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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

O.A. No. 394/90

Kuber Nath

Applicant

versus

Union of India & others

Respondents.

Shri R.B. Singh counsel for the Applicant.

Shri Dinesh Chandra, Counsel for Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

By means of this application, the applicant who has retired from service, has prayed that the respondents may be directed to pay interest on gratuity of Rs 36,000/- from 1.5.83 to 28.3.83 @ 24% p.a. amounting to Rs 42,410/-. Interest on the above @ 24% p.a. from 28.3.88 to 28.3.91 amounting to Rs 30,535/- and Interest @ 24% p.a. on delayed payment of pension and dearness relief upto 30.6.88 and further interest thereon from 1.7.88 to 31.3.91 amounting to Rs 25,230/-, totalling to Rs 98,175.00. Apart from this he has further prayed for interest on the amount of Rs 98,175/- @ 24% till the payment of the said amount and Rs 10,000/- compensation for the inconvenience and mental torture caused to the applicant.

2. The applicant who was Addl. Chief Conservator of Forests, retired on 31.1.83. 10 days before his retirement, the applicant was served charge sheet dated 19.1.83. He submitted the reply to the charge sheet

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The enquiry proceeded . The copy of the enquiry report wasnot given to him . The matter was kept pending for about 4 years and then the enquiry proceedings were closed and the pension and gratuity was paid to the applicant in the year 1988.

3. From the reply it appears that the applicant was exonerated from the charges levelled against him. It was thereafter that the applicant made representation for payment of amount but no payment was made to him despite reminders, whereafter he approached this Tribunal. The respondents have stated that under rule 6(2) of All India Services (Death-cum-retirement benefit) Rules, 1958 "Where any departmental or judicial proceeding is instituted under sub rule (1) or where a departmental proceeding is contained under clause(a) of the proviso thereto against an officer who has retired on attaining the age of retirement or otherwise, he shall be sanctioned by the Govt. which instituted such proceedings, during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceedings final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on his qualifying service upto the date of retirement, or if he was under suspension on the date of retirement, upto the date immediately preceding the date on which he was placed under suspension but no gratuity or death-cum retirement gratuity shall be paid to him until the conclusion of such proceedings and the issue of final orders thereon." Final decision on the application of gratuity of the applicant was taken on 21.10.87 and the A.G.U.P.

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was informed by the Govt. on 4.12.87 that the applicant was exonerated, and final pension and gratuity was paid.

According to the respondents during the departmental proceedings, no gratuity or death-cum-gratuity shall be paid and as such the payment of interest is not applicable in the case of the applicant.

4. The proceedings were uncalled for which started just before retirement. Withholding of gratuity and pension and other amount was not justified. In case the payment would have been made, the applicant would have not been deprived of the interest/which he would have been otherwise eligible. The respondents are liable to pay interest at the rate of 12% in respect of arrears of payment of his ~~due~~ pension and gratuity with effect from 1.4.83 up to the date the amount is paid. The above payment of interest will be made by the applicant within a period of 3 months from the date of communication of this Order.

5. Application is disposed of as above. No order as to costs.

*V.C.*  
V.C.

Lucknow: Dated: 10.7.92

Shakeel/