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Central Administrative Tribunal Lucknow Bench Lucknow

Original Application No: 478/2005.

This, the 9th day of June, 2006.

Hon'ble Shri M. Kanthaiah, Member(J)

Surya Sati, aged about 65 years, w/o Late Shri Chhotey Lal, resident of -Village-
Sahodarpur Poorvi, Post- Makandaroo Ganj, Pratapgarh.

Applicant.

By Advocate: Shri Praveen Kumar.

Versus

1. Union of India, through the General Manager, Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager, Northern Railway, Lucknow.

Respondents.

By Advocate: Shri Arvind Kumar.

Order (Oral)

By Hon'ble Shri M. Kanthaiah Member(J)

The Petitioner has filed the petition Under Section 19 of the Administrative Tribunal Act, 1985 for directing the respondents to release the gratuity in favour of the applicant with interest at the rate of 18% per annum till the actual date of payment.

- 1) 2. The applicant is the wife of Chhotey Lal who retired as Highly Skilled Fitter Grade I on 30th June 1994 on attaining the age of superannuation from the respondents office. At the time of retirement, he was working under the Loco Foreman, Varanasi. The husband of the applicant Chhotey Lal was falsely implicated in a case registered as case No. 2121 of 1985 under Section 3 of RPUP Act by the Police Station- RPF, Pratapgarh and due to pendency of the said case, the respondents had withheld the gratuity pay^{able} to him. But the petitioner husband Chhotey Lal was acquitted in the said criminal case on 10.8.1999 and copy of the judgment, which is annexed as Annexure A3. Thereafter, he also made a

representation to the respondents for releasing of gratuity by enclosing copy of the judgment of the criminal case, but no action was taken by the respondents for releasing of his gratuity. Unfortunately, he died on 11.12.2003 due to ill health and as such, the petitioner who claims to be the wife of Chhotey Lal filed this petition for releasing of gratuity payable to her husband with interest at the rate of 18% per annum till the date of actual payment.

2) *Respondents have not filed any counter.*

3. The point is for consideration is whether the petitioner is entitled as prayed for.

4. From the contents of the petition, the petitioner husband Chhotey Lal retired as Highly Skilled Fitter Grade-I on 30th June 1994 on attaining the age of superannuation and that time his gratuity was not paid on the ground of pendency of the criminal case No. 2121 of 1985. But after the acquittal of the criminal case, the petitioner husband also made representation to the respondents on 1.9.99 copy of which is annexed as Annexure A.4. But the same was not disposed of by the respondents. In the meantime, Chhotey Lal died on 11.12.2003 and thereafter also there is no progress in his representation-dated 1.9.99. As such the petitioner who is the wife of the deceased employee filed this petition for releasing of gratuity payable to her husband when there are no cases pending against the deceased employee and no dues were payable to the respondents, withholding of his gratuity amount. *even after disposal* Even after dispose of criminal case against him is not at all justified as such the petitioner who is the wife of the deceased, *payable* it is justified for seeking release of such gratuity amount to her husband with interest. It is also not the case of the respondents that any of the dues are there from the deceased employee or any of the case *are pending* filed against the judgment of acquittal. In view of the above circumstances, the petitioner is entitled for releasing of gratuity payable to her husband with interest from the respondents.

5. In the result, petition is allowed directing the respondents to release the gratuity to the petitioner which is payable to her husband with interest as per rules. No order as to costs.

(M. Kanthaiah)
Member(J)

9-6-06

V.