

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.557/2005
This the 19th day of December 2007

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

A.N. Shukla, aged about 62 years son of Sri Nageswar Prasad Shukla, resident of near Cold Storage, Bahraich Road, Gonda.

...Applicant.

By Advocate: Shri Surendran P.

Versus.

1. Union of India through the Secretary, Department of Posts, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Post Master General, Gorakhpur Region, Gorakhpur.
4. Superintendent of Post Offices, Gonda.

By Advocate: Shri Jitendra Verma.

ORDER

BY HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

The applicant has filed this OA to issue direction to the respondents for payment of interest on delayed payment of gratuity and Pension amount stating that inspite of his representations dated 10.03.2003 (Annexure-5) and 13.05.2003 (Annexure-A-6) there was no response from the respondents.

2. The respondents have filed their Counter Affidavit denying the claim of the applicant for payment of interest on the delayed payment of gratuity and pension stating that the applicant is not entitled for any interest and they have also rejected his claim on 26.06.2006 and 18.07.2007 which ~~were also~~^{they} communicated to the applicant on

24.07.2003. The respondents have also taken objections that the claim of the applicant is barred by limitation and also not entitled for any interest as per rules.


3. The applicant has filed Rejoinder Affidavit, reiterating his pleas in the OA and also denying the pleas of the respondents that they have passed rejection order dated 20.06.2003 and 18.07.2003 as pleaded in the Counter Affidavit and also further stated that his claim is within limitation and he is entitled for interest on delayed payment as per rules.

4. Heard both sides.

5. The point for consideration is whether the applicant is entitled for the relief as prayed for.

6. The admitted facts of the case are that the applicant was retired on 31.07.2002, while working in the respondents department. It is also not in dispute that while he was in served, a charge sheet was issued against him under Rule-14 of CCs (CC&A) Rules, 1965 on 10.02.1999 but the same was resulted into exoneration on the date of his retirement i.e. 31.07.2002. Annexure-1 is the copy of the said order. Though the respondent authorities issued another charge sheet for suspension of the applicant from 23.11.2001 to 23.01.2002 and the same was quashed and dropped on 17.10.2002 and Annexure - 2 is the copy of such order.

7. It is also an undisputed fact that a total amount of Rs. 1,86,219/- has been sanctioned to the applicant by the Director of Postal Accounts, Lucknow on 18.02.2003 towards gratuity. Out of which an amount of Rs. 1,56,118/- was released on 31.10.2002 which was paid after one month in the month December 2002 by the



Postmaster, Gonda. Annexure-3 is the copy of such order dated 03.12.2002. Thereafter, the remaining amount of Rs. 36,108/- of gratuity was paid in the month of March, 2003 and Annexure-4 is the copy of such order dated 21.03.2003. Subsequently, the applicant made a representations to the respondent ~~authorities~~ [✓] covered under (Annexure-5) dated 10.03.2003 and (Annexure-6) dated 13.05.2006, claiming that he is entitled for the interest on the delayed payment of gratuity as per rules. Thereafter the applicant has filed this OA.

8. The main claim of the applicant is that he is entitled for interest on the delayed payment of gratuity amounting to Rs. 1,86,219/- and inspite of his representation there was no response from the respondent authorities and as such he was constrained to file this OA. The respondents have contented that they have disposed of the pending representations of the applicant by a reasoned order dated 28.06.2003 and 18.07.2003, rejecting such claim of the applicant but the applicant filed this OA in the year 2005, which is bared by limitation. They also further state that the applicant is not entitled for any interest for delayed payment.

9. In respect of rejection order dated 26.08.2003 and 18.07.2003, the respondents have not filed any such copy of order and there is no document to show that they have passed any such rejection order and also communication of such rejection order to the applicant. Without filing of any such rejection order ^{and} ~~or~~ acknowledge of the applicant, it is not open to the respondents to say that the representations of the applicant have been rejected. Without any such rejection order the respondents are not at all justified to say that the claim of the

applicant has been barred by limitation. Thus, there is no justification and merits in the arguments of the respondents that the claim of the applicant is barred by limitation and also to say that such claim was rejected by the department.

10. Admittedly, an amount of Rs. 1, 86, 219/- was the sanctioned amount of gratuity to the applicant and out of which Rs. 1,56,118/- was released on 31.10.2002 and the remaining amount of Rs. 36,101/- was paid in the month of March, 2002. The applicant was retired on 31.07.2002 and the pending charge sheet against him was also exonerated on the date of his retirement itself. Without any pendency of charge sheet or disciplinary proceedings against the applicant, it is not open to the respondents authorities to cause any delay in payment of gratuity amount to the applicant. Admittedly, there is delay in payment of gratuity amount of Rs. 1,56,118/- from 01.09.2002 to 30.11.2002 and also remaining amount of Rs.36,101/- from 01.08.2002 to March, 2003 for which the respondents are liable to pay interest. Rule-68 of CCS (Pension) Rules, 1972 also clearly shows that the applicant is entitled for ~~grant of~~ interest on delayed payment of gratuity.

11. In view of the above circumstances, the applicant is entitled for interest on delayed payment of Rs. 1,56,118/- from 01.09.2002 to 30.11.2002 and on balance amount of R.36,108/- from 01.09.2002 to March, 2003 within a period of three months as per rules from the date of receipt of the copy of this order. No order as to costs.


(M. KANTHAIAH)
MEMBER (J)

19.12.07

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