

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
O.A.513 of 2005

Patna, dated the 30th of March, 2007

CORAM: The Hon'ble Mr.S.N.P.N.Sinha,M[A]

Kedar Nath Malakar, son of Sudho Bhagat, Village and PS Chausa,
District Buxar.

Applicant

By Advocate: Mr. A.Kumar.

Versus

1. Union of India through General Manager,EC Railway,Hajipur.
2. Divisional Rail Manager,Samastipur.
3. Divisional Commercial Manager,Samastipur.

Respondents

By Advocate: Mr. N.L.K.Singh

ORDER

S.N.P.N.Sinha, M[A]:-

The present application has been filed for a direction to the respondents to make payment of gratuity with interest. It was submitted on ^{the applicant's} his behalf that he was appointed in 1964 as Commercial Clerk at Barauni Junction. He retired on 10.4.2002 from Samastipur Divisional Railway Headquarters from the post of Coach Superintendent. It is admitted that he has been paid his GPF amount, Group Insurance amount and he has also got his pension but his gratuity amounting to Rs.2,05,000/- has not been paid. A disciplinary proceeding was started against him when he was posted as Commercial Superintendent-regarding alleged defalcation. The Inquiry Officer held charge no.1 and 3 proved against him and charge no.2 as partially proved. The inquiry report was sent to the applicant on 22.11.2000 on which he made his representation. He was made to retire on 10.4.2002 although his date of retirement was 30.4.2002.

2. It was submitted on behalf of the respondents that the applicant was compulsorily retired on 10.4.2002. The amount of gratuity of Rs.1,69,637/- on the basis of the last pay of the applicant, that is, Rs.6900/- has been paid to him. Other retiral dues, as admitted by the applicant, have already been paid to him. He is not entitled for the amount of gratuity of Rs.2,05,000/- as he has claimed.

3. From the pleadings of the two sides and the materials on record, it is evident that the case of the applicant has been disposed of by the respondent, and as explained in detail in the written statement filed on behalf of the latter, other retiral dues have already been paid to him.

4. The application, therefore, has no justification for any interference. It is, in the result, dismissed. No costs.



[S.N.P.N.Sinha]
Member[A]

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