

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.442 of 2005

Date of order : 21st July, 2005

C O R A M

Hon'ble Ms. Sadhna Srivastava, member(Judicial)

Lallan Prasad, son of late Shankar Ram, resident of village – Ranisarai, P.S.- Bakhtiarpur, P.O.- Bakhtiarpur, District – Patna.

..... Applicant

Vs.

1. The Union of India through Secretary, Ministry of Railway, Rail Bhawan, New Delhi.
2. The General Manager, E.C.Railway, Hazipur.
3. The Divisional Railway Manager, E.C.Railway, Danapur Division, Danapur.
4. The Sr. Divisional Operating Manager, E.C.Railway, Danapur.

The Divisional Engineer(L), E.C.Railway, Danapur.

5. Sri J.K.Singh, Assistant Engineer (L), E.C.Railway, Patna Junction, Patna.
6. The Sectional Engineer, E.C.Railway, Patna Junction, Patna.

..... Respondents.

Counsel for the applicant : Shri S.K.Bariar.

Counsel for the respondents : Shri A.A.Khan.

ORDER

By Sadhna Srivastava, Member(J):

The applicant seeks direction to the respondents for payment of interest on delayed payment of Gratuity and Leave Encashment amount. Further, there is prayer to pay compensation of Rs.10,000/-

2. The aforesaid reliefs claimed by the applicant are based on the facts that he retired on attaining the age of superannuation from the post of Head Clerk under Sectional Engineer, Patna on 30.6.2004. Before retirement the applicant was directed to complete all the formalities regarding settlement of retiral dues. Sectional Engineer had also sent a report dated 31.5.2004 to the Assistant Engineer (Respondent No.4) that neither any dues nor any departmental case is pending against the applicant, Lallan Prasad. The aforesaid reports are on record as Annexure-3 and 5. It is alleged by the applicant that the Respondent no.4 has issued a show-cause to the applicant just before retirement on 3.6.2004 regarding alleged irregularities of March,1999. However, Sr. D.P.O., E.C. Railway, Danapur had inquired the matter and found that the applicant is not responsible in any way in the matter and he directed vide order dated 18.2.2005 to release the balance amount of retiral dues. It is submitted on behalf of the applicant that only in order to delay the payment of retiral dues the respondent no.4 has issued the



3.

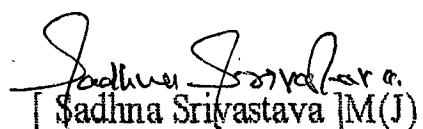
show-cause dated 3.6.2004.

3. It is settled law by now that in case of delay in payment of retiral dues for more than three months, if not attributable to the retiring employee the interest is payable at the prevailing rate, notwithstanding who delayed it and for what reason it was delayed. The principle of law is that the retiral dues are not paid to the retiring employee by way of grace or bounty.

4. Before approaching the Tribunal, the applicant has filed a representation to the D.R.M., E.C.Railway, i.e. Respondent No.3 for payment of interest, which is still under consideration.

5. Under the circumstances, I am of the considered opinion that the interest of justice would be served in case I direct the Respondent No.3 to consider the representation of applicant within stipulated time and pass suitable orders.

6. Accordingly, I hereby direct the Respondent No.3 to decide the representation dated 22.4.2005 filed by the applicant as Annexure-11 to the O.A. in the light of legal provisions referred above and pass suitable order within three months from the date of receipt of copy of the order. The O.A. stands disposed of at the admission stage itself. No cost.


[Sadhna Srivastava] M(J)