

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH : PATNA

Date of Order:- 9.3.2007

Registration No. OA-640 of 2005

C O R A M

Hon'ble Km Sadhna Srivastava, Member (J)

Ramjee Tripathi

..Applicant

-By Shri R. Kumar, Advocate

Versus

The Union of India & Another

..Respondents

-By Shri M.K.Mishra, Senior Central Government Standing Counsel

O R D E R (Oral)

Km Sadhna Srivastava, Member (J):- The applicant claims compound interest on delayed payment of gratuity. Further there is a prayer to pay commuted amount of pension.

2. The facts in brief are that the applicant while working with the respondents retired on 31.1.1990. His gratuity and commuted amount were withheld on account of pendency of a departmental proceeding against him. The disciplinary proceeding came to end by order of disciplinary authority dated 6.10.94 with the imposition of punishment of censure. In appeal the punishment of censure was also knocked down vide order dated 13.4.98. Thereafter, the applicant was paid Rs.52,800/- as gratuity amount on 1.6.1995. Rs. 39,486/- was also paid as interest on delayed payment of gratuity. The amount of this interest has been paid from 1.7.1990 to 29.3.1995. The commutation amount has also been paid as per law.



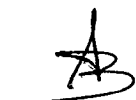
3. The applicant, thereafter filed OA No.457 of 2002 raising a dispute that he has not been paid retiral dues due to him. He also disputed the amount of interest paid to him. The applicant had also claimed compound interest. The said OA was decided by judgment and order dated 18.8.2003. The Tribunal disposed of the OA with a finding:-

“.....Therefore, since the main relief, as prayed for in the present OA has been met with by the respondents, this OA is disposed of with direction to the applicant to make a fresh representation within two weeks from today with regard to difference of amount, if any, left out by the respondents, while making said payment of interest as well as commutation amount of pension. Respondent No.3 is directed to pass appropriate order as per law and in the light of Annexures-6 and 7, after giving personal hearing to the applicant within a period of four months from the date of receipt/production of a copy of this order on representation.”

4. The applicant being still dissatisfied came forward with RA No.31 of 2003. It was also dismissed by order dated 13.1.2004 with the following remark:-


“...Since there is no provision for payment of compound interest on delayed payment in such cases, therefore, the prayer of the applicant has not been taken into consideration while passing the order”

5. In my opinion the disputed issues involved were already answered in OA No.457 of 2002. An opportunity was given to the applicant to make representation within the prescribed time to point out mistake in calculation, if any. The applicant failed to make representation within prescribed time. A representation was made but after the prescribed time. I have perused the representation as contained in Annexure-8. In the representation the



applicant has repeated the point which has been resolved by this Tribunal in the judgment of OA No.457 of 2002. Therefore, the instant OA is not maintainable. This Tribunal cannot reassess the facts and render its findings again on the same material. I do not find any ground or fresh material to make any order in favour of the applicant.

6. Consequently the OA is dismissed without any order as to costs.

  
(Sadhna Srivastava)  
Member (J)

sks