

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

C.P. 88/97 in
Original Application No. 611/96

Monday the 31st day of August 1998

CORAM: Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman

Hon'ble Shri D.S. Bawej, Member (A)

Alex Nazareth

... Applicant.

By Advocate Shri H.A. Sawant.

V/s.

The Divisional Railway Manager,
Bombay Central Division
Divisional Office,
Western Railway
Mumbai.

The General Manager,
Western Railway,
Headquarter Office,
Churchgate,
Mumbai.

... Respondents.

By Advocate Shri V.S. Masurkar.

O R D E R (ORAL)

¶ Per Shri Justice R.G. Vaidyanatha, Vice Chairman ¶

This C.P. has been filed by the applicant alleging that the respondents have committed contempt of not paying full amount of gratuity with interest as directed by the order of this Tribunal dated 19.12.96. The respondents have filed reply. We have heard counsel for both sides.

2. The Tribunal by its order dated 19.12.96 directed the respondents to refund Rs. 16,617/- . This part of the order has been complied with and the applicant has received the amount. The applicant contended that the respondents have not complied with para 2 of the order of the Tribunal, which directs the respondents to pay gratuity together with 12% interest from 8.11.90 to 16.7.94.

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According to the applicant he is entitled to interest on the entire amount of Rs. 68,000/- from 8.11.90 to 16.7.94. The respondents contended that they are liable to pay interest on Rs. 51,413/- which has been withheld by them.

3. After hearing both the sides, we are of the view that the respondents are liable to pay interest for the entire gratuity amount of Rs. 68,000/- from 8.11.90 to 16.7.94. This we can gather from para 9 of the order of the Tribunal. The Tribunal had directed the respondents to refund the amount of Rs. 16,617/- and also interest at 12% on the delayed payment of remaining gratuity amount. Therefore the Tribunal had directed the respondents to pay interest on the entire amount of Rs. 68,000/- for the period from 8.11.90 to 16.7.94. Hence the respondents are liable to pay interest on the entire amount. The respondents have paid interest only on Rs. 16,617/- but no interest has been paid on Rs. 51,413/- for the said period.

4. The respondents have paid interest of Rs. 7,361/- on Rs. 16,617/- from 8.11.90 to 16.7.94. The respondents have not paid interest on the remaining gratuity amount of Rs. 51,413/- from 8.11.90 to 16.7.94. In our view as per the order of the Tribunal the respondents are bound to pay interest for the entire gratuity amount which includes the sum of Rs. 16,617/- and 51,413/-

As far as the question of this part of the order is concerned we may not hold the respondents guilty as they have mis-interpreted the order of the Tribunal. We therefore give one more opportunity to the respondents to comply with the order of the Tribunal, failing which we give liberty to the applicant to file ^{fresh} contempt petition.

5. The learned counsel for the respondents submits that the applicant's wife is liable to pay Electricity charges. We are not concerned about the respondent's demand against the applicant's wife regarding Electricity charges. It is for the respondents to take proper action according to law.

6. In the result C.P. 88/97 is disposed of with a direction to the respondents to calculate and pay the interest at 12% per annum on the amount of Rs. 51,413/- from 8.11.90 to 16.7.94 within a period of two months from the date of receipt of a copy of this order. In the circumstances there will be no order as to costs.

D.S. Bawej
(D.S. Bawej
Member (A))

R.G. Vaidyanatha
(R.G. Vaidyanatha
Vice Chairman)

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*order/Judgment
to Applicant
on 7/10/98*

12/10/98