

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 616/2001

Date of Decision : 29.11.2001

Smt.S.G.Bhalerao _____ Applicant

Shri R.D.Deharia _____ Advocate for the
Applicant.

VERSUS

Union of India & Ors. _____ Respondents

Shri Suresh Kumar _____ Advocate for the
Respondents

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

- (i) To be referred to the reporter or not ? No
- (ii) Whether it needs to be circulated to other ~~or~~ Benches of the Tribunal ?
- (iii) Library No .

S.L.JAIN
(S.L.JAIN)
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.616/2001

Thursday this the 29th day of November,2001.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Smt.Sakhubai Gopal Bhalerao,
W/o Late Gopal Sopana,
R/o Village - Gundge,
P.O. - Karjat, Tal.Karjat,
Dist.Raigad (MS).

...Applicant

By Advocate Shri R.D.Deharia

vs.

1. Union of India through
The General Manager,
Central Railway,
C.S.T., Mumbai.

2. The Divisional Railway Manager,
Divisional Office,
Central Railway,
C.S.T., Mumbai.

...Respondents

By Advocate Shri Suresh Kumar

O R D E R (ORAL)

{Per : Shri S.L.Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunals Act, 1985 for the direction to the respondents to pay the amount of gratuity Rs.4837.03 to the applicant with interest at the rate of 12% p.a. from 7.9.1984 till the date of actual payment. The applicant has also claimed the compensation besides the interest.

5/01/2001

..2/-

2. The applicant's husband Gopal Sopana Bhalerao was Ex-Watchman/Khalasi who was working under I.O.W.(M) Kalyan. He died on 13.12.1982. His wife Smt. Sakhubai Gopal Bhalerao was in occupation of Government quarter which she vacated on 7.6.1984 (Annexure-'A-3'). Thereafter, she was not paid even the DCRG. The applicant represented vide Annexure-'A-4' dated 27.12.1999 and a legal notice dated 27.12.2000. Thereafter, filed this OA. before this Tribunal on 20.8.2001 for the above said reliefs.

3. The respondents have stated that Cheque No.823617 dated 16.7.1984 was passed in favour of the applicant for the payment of DCRG and was sent to her residence MS/RB/1/1006/37 as per the address given in voucher. No other address was submitted by the applicant to the department. The cheque was returned back by the postal authority and remained unpaid.

4. The learned counsel for the applicant stated that the amount of DCRG has been received on 9.10.2001. As such the learned counsel for the applicant argued that only the question of interest for delayed payment remains to be settled.

5. The applicant was entitled to the DCRG on 7.9.1984 after lapse of three months from the date of vacation of the quarter. Though the respondents have despatched the cheque on 16.7.1984 but the applicant could not get the said cheque for the reason that she has already vacated the quarter on 7.6.1984. As such the amount remained with the respondents.

Reja/-

..3/-

6. The applicant approached the respondents vide letter dated 27.12.1999 in this respect but no action was taken in pursuance thereof. Even legal notice Annexure-'A-5' dated 27.12.2000 could not serve any purpose. Even after filing of the OA. and service of the notice of the OA., the respondents have not paid any attention towards the grievance of the applicant. As such, there may be a case of negligence of the applicant in not submitting the correct changed address to the respondents immediately after vacation of the quarter, but the conduct of the respondents is more to be blamed than the applicant.

7. Any amount which lies with the Government bears interest at the rate of 12% till ~~9.10.2001~~^{9.10.2001}. Even, in view of Notification, the respondents are liable to pay interest at the said rate. The negligence on the part of the applicant in not supplying the correct address after vacation of the quarter, the applicant is not entitled to compound interest or any compensation in respect thereof.

8. In the result, OA. is allowed. The respondents are ordered to pay interest to the applicant on Rs.4837.03 at the rate of 12% p.a. w.e.f. 7.9.1984 till the actual date of payment 9.10.2001. The order may be complied ~~within~~^{by} ~~within~~^{not} later than three months from the date of receipt of a copy of this order. No order as to costs.

S.L.JAIN
(S.L.JAIN)
MEMBER (J)

mrj.