

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
CIRCUIT SITTING AT NAGPUR.

O.A.NO. 182/91  
TR.A.NO.

199

DATE OF DECISION 25.4.1994

Dr.M.M.Parhad


Applicant(s)

Versus

Director, National Environmental Engineering Respondent(s)  
Research Institute, Nagpur & Anr.

1. Whether it be referred to the Reporter or not ? *no*
2. Whether it be circulated to all the Benches of the  
Central Administrative Tribunal or not ? *no*

MEMBER

  
(M.S.DESHPANDE)

VICE CHAIRMAN

mbm

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY

CAMP : NAGPUR

OA NO. 182/91

Dr.M.M.Parhad

... APPLICANT

v/s.

The Director, National  
Environmental Engineering  
Research Institute, Nagpur & Anr. .. Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande

Appearance

Shri M.K.Kulkarni  
Advocate  
for the Applicant

Shri R.P.Darda  
Advocate  
for the Respondents


ORAL JUDGEMENT

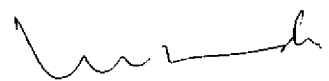
Dated: 25.4.1994

(PER: M.S.Deshpande, Vice Chairman)

The only question which arises for consideration in this application is whether the applicant would be entitled for interest on the amount of Rs.25,000/- from 16.11.1989 which was part of the gratuity payable to him upto the date of release of the amount on 6.6.1990.

2. The applicant took voluntary retirement on 1.11.1989. An amount of Rs.50,000/- came to be withheld from the gratuity payable to him by the order dated 1.11.1989 on the ground that the applicant was a surety for J.S.Jain, Ex-Scientist who went abroad for higher studies. Shri Darda, the learned counsel for the respondents states that Dr.Jain was ultimately dismissed from service.

By the letter dated 16.11.1989 (Annexure-'E') by which an amount of Rs.50,000/- was withheld shows that it comprises of Rs.25,000/- which was the amount related to surety plus Rs.25,000/- as interest thereon. The contention of the respondents is that the applicant had not disclosed the fact that he had stood surety for Dr.Jain at the time of releasing his pension on voluntary retirement and the matter had to be considered by the Department. Shri Kulkarni for the applicant urges that the dismissal of Dr.Jain preceded the voluntary retirement of the applicant and the department was aware of this position. However, merely because Dr. Jain was dismissed earlier, it would not follow that the liability of Dr.Jain was extinguished. The bond has not been produced by either side. In the circumstances, it <sup>cannot</sup> may not be said that the delay <sup>was</sup> attributed <sup>able</sup> only <sup>to</sup> on the department for <sup>preventing</sup> passing the applicant's claiming interest. There <sup>was</sup> is good reason for denying interest. I see no merit in the application.  it is dismissed.

  
(M.S.DESHPANDE)  
VICE CHAIRMAN

mrj.