

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

5

O.A.164/91

K.Kishor,
4,Vinod Apartment,
Vijay Nagar,
Saghavi Kesari Road,
Aundh,
Pune - 411 007.

.. Applicant

vs.

1. Union of India
through
Secretary,
Ministry of Surface Transport,
Department of Surface Transport,
Sansad Marg,
New Delhi - 110 001.
2. Director General of Shipping
Walchand Hirachand Marg,
Bombay - 400 038.
3. Director,
Marine Engineering Training,
P-19, Tara Tala Road,
Calcutta - 700 088.

.. Respondents

Coram: Hon'ble Shri M.Y.Priolkar, Member(A)

Hon'ble Shri T.C.Reddy, Member(J)

Appearances:

1. Mr.G.S.Walia
Advocate for the
Applicant.
2. Mr.A.I.Bhatkar
Advocate for the
Respondents.

ORAL JUDGMENT:

Date: 9-9-1991

(Per M.Y.Priolkar, Member(A))

The applicant had filed this application claiming interest on his retirement dues, payment of which according to him was unreasonably delayed. Mr.G.S.Walia, learned counsel for the applicant stated before us today that the only issue ^{which} still subsists in this application is regarding interest on delayed payment of gratuity.

2. The applicant retired on Superannuation on 31-10-1989. The learned counsel for the respondents stated that part payment of gratuity amounting

(6)

to Rs.90,000/- has since been made on 31-7-91. The respondents ^{have} also stated in their written reply dtd. 31-7-1991 that a decision has already been taken ~~an~~ and conveyed ~~for~~ release of the entire DCRG of the applicant and that the linked issue of payment of interest at the appropriate rate will also be taken up with the appropriate authorities in due course. It appears that regarding the payment of interest the Govt. of India's decision quoted by the respondents in their reply and marked as Ex.'5' has now been replaced by Govt. of India Department of Personnel and A.R. order dtd. 10th January, 1983. This order categorically states that Gratuity should be deemed to have fallen due on the date following the date of retirement for the purpose of payment of interest ~~on~~ delayed payment of gratuity. Under separate instructions dtd. 28-7-1984 Govt. of India has also decided that where the payment of DCRG has been delayed the rate of interest will be 7% p.a. for delay beyond 3 months and upto one year and 10% p.a. beyond one year. We accordingly direct the respondents to pay interest at these rates along with the remaining amount of gratuity of DCRG to the applicant in accordance with ~~thse~~ instructions, within a period of two months from the date of receipt of a copy of this order.

3. With this direction this application is disposed of finally. No order as to costs.

1
(T.C.REDDY)
Member(J)

(M.Y.PRIOLKAR)
Member(A)