

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No.808/92
Transfer Application No.

Date of Decision : 3/4/95

K.H.Vaswani

Petitioner

S.Natarajan

Advocate for the
Petitioners

Versus

Union of India & Ors.

Respondents

Shri Shivshankaran, APO, Departmental
Representative.

Advocate for the
respondents

C O R A M :

The Hon'ble Shri B.S.Hegde, Member(J).

The Hon'ble Shri M.R.Kolhatkar, Member(A).

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

B.S.Hegde
(B.S. HEGDE)
MEMBER (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL.

BOMBAY BENCH, BOMBAY.

O.A.808/92.

K.H.Vaswani

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

CORAM: Hon'ble Shri B.S.Hegde, Member(J).

Hon'ble Shri M.R.Kolhatkar, Member(A).

APPEARANCES:

Shri S.Natarajan, Counsel
for Applicant.

Shri Shivshankaran, Assistant
Personnel Officer, Departmental
Representative.

ORAL JUDGMENT:

DATED : 3/4/95.

¶ Per Hon'ble Shri B.S.Hegde, Member(J). ¶

The only prayer given here is that the Applicant be paid the interest on the DCR Gratuity amounting to Rs.47,850/- for the period from 1.7.88 to 3.1.92 at 18% per annum compounded half yearly.

2. The Applicant was working in the department from 19.3.1952 and retired on superannuation with effect from 30.6.1988, he was served with a Chargesheet on 13/6/1988 and Disciplinary Proceedings was dropped on 17/12/1991 and he was also paid the DCRG amount on 3/1/1992. Pursuant to the dropping of the charges, the Learned Counsel for the Applicant states that he is entitled to get interest on the Gratuity amount in view of the Railway Board's letter dt. 15/4/91 clause(a) reads as follows:-

"in such cases if the Railway Servant is exonerated of all charges and where the gratuity is paid on the conclusion of such proceedings, the payment of gratuity will be deemed to have fallen due on the date following the date of retirement vide Board's letter of even number dated 25.5.83. If the payment of gratuity has been

authorised, interest may be allowed beyond the period of three months from the date of retirement." (b)

3. Inspite of the above, the payment was delayed and the same had not been paid immediately after his retirement on 30/6/88, he has not been paid the DCRG up to Jan, 92.

4. It appears that Respondents consider that the case of Applicant falls under para-2(i)(c) of the Railway Board letter dated 15/4/91. This is not so. The disciplinary proceedings were dropped by the President. The observation about minor lapses does not affect this fact. The date of dropping of disciplinary proceedings relates back to the date of retirement. On that date, it has to be held that there were no disciplinary proceedings. Hence his case has to be treated as falling under para 2(i)(a) of the Railway Board letter dated 15/4/91.

5. In the circumstances, we are of the view that the stand taken by the respondents in their reply saying that he has not been completely exonerated from the charges is not tenable and the same is rejected. Accordingly, the respondent is directed to pay the interest on the delayed payment of DCRG excluding the first three months and pay interest from 1/10/88 till 3/1/92 @ 12%, the same should be paid within a period of two months from the date of receipt of this order. The OA is disposed of in the light of the above no order as to costs.

M.R.Kolhatkar
(M.R.KOLHATKAR)
M(A)

B.S.Hegde
(B.S. HEGDE)
M(J)

abp.