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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 413/93

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DATE OF DECISION 24.8.93

Shri Dnyaneshwar Moreshwar Joshi Petitioner

Shri S.P.Kulkarni Advocate for the Petitioners

Versus

Union of India and others Respondent

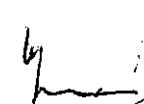
Shri P.M.Pradhan Advocate for the Respondent(s)

CORAM:

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

The Hon'ble ~~xxxxx~~

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?


(M.Y.PRIOLKAR)
MEMBER (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 413/93

Shri Dnyaneshwar Moreshwar Joshi

... Applicant.

V/s.

Union of India through
Sr. Postmaster, Pune
Head Post Office, Pune.

Senior Supdtt. of Post Offices
Pune City, Est. Divn. Pune.

The Director, Postal Services
Office of Postmaster General
Pune Region, Pune.

... Respondents.

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

Appearance:

Shri S.P.Kulkarni, counsel
for the applicant.

Shri P.M.Pradhan, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 24.8.93

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

A charge sheet was issued to the applicant by Senior Postmaster, Pune, under Rule 16 of the C.C.S. (C.C.A) Rules 1965 on 27.4.92 for negligence which facilitated a fraud in the post office. The applicant retired on superannuation on 30.4.92. On 1.5.92 he voluntarily credited to Government account a sum of Rs. 4000/- as his share of loss caused to government by the fraud. On 30.6.93 a decision has been taken by the disciplinary authority to drop the charge. The D.C.R.G. amount which had been withheld was accordingly paid on 7.7.93. The prayer in this application is for interest on delay in payment of the D.C.R.G. amount of Rs. 31,350/-.

The amount of D.C.R.G. is due for payment on the date of superannuation. However gratuity is paid only after completion of disciplinary or judicial proceedings, if any, against the government servant

pending on the date of retirement. Government instructions also provide that in case the government servant is fully exonerated on the completion of departmental proceedings, interest on delayed payment of retirement gratuity may also be paid on the footing that gratuity had fallen due on the date following the date of retirement.

The learned counsel for the respondents, however argued that in the present case the applicant has not been fully exonerated and as seen from para 5 of the order of the disciplinary authority it has been held that the applicant was solely responsible for the commission which facilitated the fraud and that the decision to drop the proceedings had been taken, in view of the applicant voluntarily crediting a sum of Rs. 4000/- towards his share of loss to the department.

The case of the applicant is that he was not at fault but even then he had credited Rs. 4000/- to the Government on 1.5.92 i.e. immediately after his retirement on 30.4.92, as per instructions of Senior Postmaster, to get the retirement benefits early. This is also confirmed by the Senior Postmaster in his order dated 30.6.93. Still the disciplinary authority has taken 14 months to arrive at the decision to drop the proceedings against the applicant and to release his D.C.R.G. The learned counsel for the applicant has also drawn my attention to a letter signed by the Senior Superintendent of Post Offices i.e. the authority superior to the Post Master, dated 27.2.92 in which it was emphasised that payment of D.C.R.G. to the applicant should be expedited. In these circumstances, according to the learned counsel for the applicant, there was no justification for the delay of 14 months in arriving at

the decision of release of gratuity to the applicant.

I find considerable merit in this contention of the applicant's counsel. It is not in dispute that the share of the applicant in the loss to the Government had been worked out at Rs. 4000/- and that the applicant had credited the amount to the Government at the instance of the Senior Post Master who himself was the disciplinary authority competent to take the decision of dropping the proceedings. Inspite of this and also inspite of reminders from the Superior authority, the decision in the matter has been taken after 14 months by the Senior Post Master. In my view, this decision should have been taken by the Senior Post Master latest within six months from the date of payment of Rs. 4000/- by the applicant at his share of loss. In my view, therefore, the applicant is entitled to payment of interest on delayed payment of DCRG beyond the period of six months from the date of superannuation of the applicant. Accordingly, I direct the respondents to make payment of interest at the rate of 7% from 1.11.92 to the date of actual payment of DCRG i.e. 30.6.93. The O.A. is disposed of finally with these directions. The payment may be made by the respondents within three months from the date of receipt of this order. No order as to costs.


(M.Y. PRIOLKAR)
Member (A)

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