

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 400/98.

Date of Decision : 22.12.1998.

John W. Chol, Petitioner.

Shri S. V. Nagesh, Advocate for the
Petitioner.

VERSUS

The Divisional Rly. Manager,
(Personnel),
Central Railway,
C.S.T., Mumbai. Respondent.

Shri V. D. Vadhavkar, Advocate for the
Petitioner.

CORAM :

HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

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


(D. S. BAWEJA
MEMBER (A).)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 400/98.

Dated this Tuesday, the 22nd day of December, 1998.

CORAM : HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

John W. Ohol,
Retired Railway Servant.

Residing at -

House No. 610, Aundha Road,
Near New Ganesh Mandir,
Kusgaon Budruk,
Tal. Maval Dist.,
Pune.

... Applicant

(By Advocate Shri S. V. Nagesh)

VERSUS

The Divisional Railway Manager
(Personnel) Central Railway,
C.S.T., Mumbai.

... Respondent.

(By Advocate Shri V.D. Vadhavkar)

: OPEN COURT ORDER :

¶ PER.: SHRI D. S. BAWEJA, MEMBER (A) ¶

The applicant while working as Carriage and Wagon Superintendent at Lonavala, Central Railway, retired from service on 30.06.1995. At the time of retirement, he was occupying a railway quarter which was finally vacated by him on 30.02.1996. Due to non-vacation of the quarter, the gratuity of the applicant was withheld and finally the payment of gratuity of Rs. 83,487.00 was paid on 28.01.1997 and Rs. 13,053.00 on 02.01.1998. Besides this, the balance of Rs. 10,727.00

was not paid to the applicant out of the total amount of gratuity with-held. The present O.A. has been filed by the applicant seeking the relief of directing the respondents to make the balance payment of Rs. 10,727.00 not paid to the applicant and also to direct the respondents to pay interest at the rate of 15 per cent for the delayed payment of gratuity and dearness allowance from the date of retirement upto the date of realisation of amount.

2. The Respondents have filed the written statement and the applicant has filed the rejoinder to the reply. Heard Shri S.V. Nagesh, the Learned Counsel for the applicant and Shri V.D. Vadhavkar, the Learned Counsel for the Respondents.

3. At the time of argument, the Learned Counsel for the applicant made a statement at bar that he does not dispute the non-payment of Rs. 10,727/- and also the payment of interest for delay in the payment of gratuity from the date of retirement till the date of vacation of the quarter. The applicant only now prays for payment of interest for the delay in the payment after the vacation of the quarter on 30.02.1996. The respondents in their detailed reply have stated that the delay in payment of gratuity after the vacation of the quarter has taken place due to the procedure involved, particularly so when the applicant was occupying the quarter. As regards the delay in payment of Rs. 13,053.00, the respondents have stated that the same was delayed as the amount was with-held ^{for any} as future debit against the applicant. The Counsel for the applicant on the other hand submitted that the payment has been with-held for

which the applicant is not responsible and, therefore, he is entitled for interest.

4. *Considering* After the rival contentions, it is accepted that some time should be allowed to the Respondents for processing the payment of gratuity after vacation of the quarter but the applicant is entitled for payment of interest on the delayed payment, as the respondents have not come out with any satisfactory explanation for delay in the payment. ~~The~~ The delay in the payment of Rs. 13,053/- on account of anticipated debit, cannot be accepted, as the respondents should have taken appropriate action well in time before the retirement. Keeping in view the facts and circumstances, after allowing the period of three months from the date of vacation of the quarter for arranging payment, *and beyond this*, the applicant shall be entitled to payment of interest for delay in payment of gratuity till the actual date of payment. The applicant shall be entitled for a payment of interest @ 12 per cent per annum.

5. The O.A. is disposed of as per the directions above. No order as to costs.

D. S. BAWAL
(D. S. BAWAL)
MEMBER (A).