

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH.

J A I P U R.

O.A. 775/92

Date of Decision: 1.4.1993

SMT. SAKHI

: Applicant.

Mr. A.K. Verma

: Counsel for the applicant.

VERSUS

Director General, P & T & Ors: Respondents.

Mr. K.N. Shrimai

: Counsel for the respondents.

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties. Perused the O.A. and the replies submitted by the parties.

2. The learned counsel for the applicant has invited my attention to para 4 of the O.A. and submitted that the amount of Rs. 65,000/- which was payable to him for both Gratuity and Commutation, has been paid on 6.6.1987 whereas he retired on 30.6.1986. This amount, according to him, has been paid at a belated stage of 11 months. Mr. Shrimai, appearing on behalf of the respondents, has submitted that the applicant was served with a charge-sheet on 27.6.86 and Hon'ble President dropped the proceedings on 29.4.87 on humanitarian grounds as the applicant retired prior to the decision on their charge-sheet. As such, the applicant is not entitled for any interest and ~~it~~ cannot be said to be ~~a payment at belated stage~~ paid at a belated stage. The Government has a right to withhold the payment of gratuity until the conclusion of the departmental or judicial proceedings and issue of final order thereon. Ordinarily, the payment is to be made within one month from the date of retirement. This argument of Mr. Shrimai may prevail to this extent that upto 29.4.87 it cannot be said to be a belated payment as the departmental proceedings were pending against the delinquent. Even thereafter, the payment should be made within one month i.e. 28.5.87. The payment has been made on 6.6.87. Naturally, the applicant is entitled for the interest of 8 days, i.e. from 29.5.87 to 5.6.87. The respondents are directed to make the payment of

interest at the rate of 12% p.a. on the sum of Rs. 65,000/- for a period of 8 days which can be said to be a belated payment.

3. As far as the second contention about Rs. 870/-, referred to in paras 6 and 8, is concerned, the learned counsel for the applicant is not in a position even to show about the nature of the amount which was payable to him. Specific query was made and the learned counsel says that it may be because of parcel amount or anything like this, which is not tenable.

4. The third contention is for the leave encashment period. The respondents have submitted that 166 days have rightly been calculated excluding the period of suspension. Thus, it does not survive. As far as the leave encashment for 1½ months, referred to in para 7, is concerned, it was to be paid within a period of one month from the date of retirement. Naturally, there is a delay of 15 days and the respondents are liable to make the payment of interest on a sum of Rs. 9000/- at the rate of 12% p.a. only for 15 days. Thus, the petitioner is entitled to 15 days' interest on this amount also.

5. In the result, the O.A. is partly accepted. Respondents are directed to make the payment of interest at the rate of 12% p.a. on the sum of Rs. 65,000/- for 8 days from 29.5.87 to 5.6.87. Similarly, the respondents are directed to make the payment of interest at the rate of 12% on the sum of Rs. 9,000/- for a period of 15 days. Payment of interest should be made, as directed, within a period of 2 months from today.

6. O.A. has been disposed of accordingly, with no orders as to costs.


(D.L. MEHTA)
Vice-Chairman

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Oct 19-1993

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