

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

58

O.A. No. 521/92

Date of Decision : 1.7.1992

T.A.No.

S. Bhaskar Rao

Petitioner.

Mr. K.S.R. Anjaneyulu

Advocate for the
petitioner (s)

Versus

The Secretary to Govt., Dept. of Revenue,

Ministry of Finance, New Delhi and others.

Respondent.

Mr. N.V. Ramana

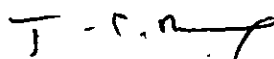
Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

THE HON'BLE MR.

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 Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)


(HTCSR)
M(J)

(S 9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.521/92

Date of order: 1-7-1992

BETWEEN:

S.Bhaskar Rao

.. Applicant.

A N D

UNION OF INDIA, rep. by

1. The Secretary to Govt.
Dept. of Revenue, Ministry
of Finance, New Delhi.
2. The Secretary, Central
Board of Excise and Customs,
New Delhi.
3. Collector of Central Excise,
Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.K.S.R.Anjaneyulu

Counsel for the Respondents

.. Mr.V.Rajeswar Rao for
Mr.N.V.Ramana

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

(Order of the Single Member delivered by
Hon'ble Shri T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)).

--- T. Chandra Sekhara Reddy

.. 2 ..

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to pay the retirement benefits i.e., gratuity, cash equivalent of un-utilised earned leave and commuted value of pension due and payable to the applicant with 12% interest on belated payments and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. The applicant voluntarily retired from service on 13.2.1992, while working as Assistant Collector of Central Excise, Hyderabad. On his voluntary retirement w.e.f. 13.2.1992 the applicant had put in a representation to the competent authority on 19.2.1992 to pay him the retirement benefits in accordance with law. The said representation is followed by other representations of the applicant which are dated 30.3.1992, 7.4.1992, 11.4.1992 and 30.4.1992. But no reply is said to have been sent to the applicant with regard to the above said representations. Any how provisional pension is said to have been granted to the applicant ^{from} in the month of May, 1992. Admittedly other pensionary benefits which the applicant is entitled ^{to} in accordance with law are not granted yet to the applicant. So, the present application is filed by the applicant for the relief as indicated above.

2. Today we have heard Mr.K.S.R.Anjaneyulu, Advocate for the applicant and Mr.V.Rajeswara Rao for Mr.N.V.Ramana, Standing Counsel for the respondents. It is the contention of Mr.K.S.R.Anjaneyulu, Advocate for the applicant that there is no provision of law which empowers withholding gratuity after retirement. In support

T. S. R.

To

1. The Secretary to Govt. Union of India,
Dept. of Revenue, Ministry of Finance,
New Delhi.
2. The Secretary, Central Board of Excise and Customs,
New Delhi.
3. The Collector of Central Excise, Hyderabad.
4. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Ramana, Addl.CGSC CAT.Hyd.
6. One spare copy.
7. One copy to Hon'ble Mr.T.Chandrasekhar Reddy, Member(J)CAT.Hyd.

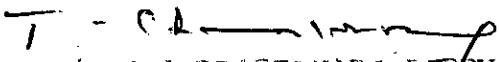
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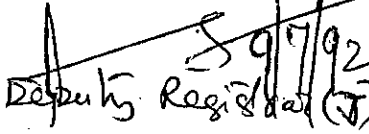
of his contention he also relies on the decision of the Supreme Court in D.V.Kapoor Vs. Union of India ATR 1990 (2) SC 662, wherein it is laid down that the right of gratuity is a statutory right. As the representations of the applicant are pending with the respondents and final orders on the said representations are not yet passed and in view of the said contention of Mr.K.S.R.Anjaneyulu we are of the opinion that the interests of the Justice would be better served if the OA is disposed of at the admission stage itself by giving appropriate directions to the respondents.

3. Hence we direct the respondents to pass final order on the representation of the applicant dated 19.2.1992 within one month from the date of the receipt of this order. The applicant would be at liberty to approach this Tribunal afresh in accordance with law if he continues to be aggrieved by the final order passed on the said representation of the applicant by the competent authority. Append a copy of this OA to this order for information to the respondents.


(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 1st July, 1992

(Dictated in the First Court)


Deputy Registrar (T)