

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 24.10.94.

OA 505/93

GANGA RAM NIKAM ... APPLICANT.

V/s.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI S.C SETHI.

For the Respondents ... SHRI MANISH BHANDARI.

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicant Ganga Ram Nikam has prayed in this application u/s 19 of the Administrative Tribunals Act, 1995, for a direction to the respondents to make payment of gratuity amounting to Rs.24,255/- (Rs. Twenty four thousand two hundred and fifty five only) alongwith interest @ Rs.24% p.a. from 1.11.90. He has also prayed for payment of Rs.300/- p.m. by way of compensation in the matter of House Rent, which he is forced to pay due to non-payment of gratuity amount. He has prayed for a further direction to issue a Kit Pass from Gangapur City to Poona after the payment of gratuity.

2. We have heard the learned counsel for the parties. The payment of gratuity has already been made to the applicant when the applicant had submitted photo-copies of the relevant documents. The payment of gratuity was made vide Cheque No.839163 dated 15.3.93. This cheque was sent to the State Bank of Bikaner & Jaipur, Gangapur City, in SB Account No.14782 in the month of March, 1993 itself and the payment has already been received by the applicant. The applicant has received full and final amount of Rs.24,097/-. However, the learned counsel for the applicant has claimed interest on delayed

Ckmr

payment of gratuity. The contention of the learned counsel for the applicant is that the payment of gratuity was unduly delayed and therefore he is entitled to interest thereon. It is stated in the reply filed on behalf of the respondents that the DCRG was sanctioned to the applicant on 31.10.92 but in the absence of No Dues Certificate or the application for vacation of the quarter its payment could not be made. It is further stated that the amount of DCRG was not paid to the applicant at the time of his retirement for the reason that the matter was processed on the receipt of requisite certificate. He had vacated the Railway Quarter allotted to him earlier than his retirement on 5.9.92 vide Annexure A-4. He had deposited the tools on 7.9.91 vide Annexure A-5. It is not clear what other documents were expected to be produced by the applicant to claim gratuity. Gratuity is automatically payable on retirement, in ordinary circumstances.

3. In the circumstances, we direct the respondents to pay interest to the applicant on delayed payment of the gratuity, at the current rate prescribed for the purpose, for the period during which the payment was delayed, after excluding the period of first three months from the date of retirement. So far as the claim for Kit Pass is concerned, the applicant should apply for Kit Pass as per rules and the same should be made available to him by the respondents within a period of two months from the date of receipt of a copy of this order. The applicant's claim for compensation in the matter of House Rent is not sustainable and the same is disallowed.

4. The OA stands disposed of accordingly, with no order as to costs.

(O.P. SHARMA)
MEMBER (A)

Gopal Krishna
(GOPAL KRISHNA)
MEMBER (J)