

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 792 of 2003

Jabalpur, this the 18th day of August, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Angnuram S/o Chhotelal
Aged about Ex-Foreman(N/T)
Gun Carriage Factory
H.No.1078, Chandmari Road,
Lalmati Jabalpur

APPLICANT

(By Advocate - Shri Arvind Shrivastava)

VERSUS

1. Union of India
Ministry of Defence
Through Secretary,
Raksha Bhawan,
New Delhi.
2. Director General
Ordnance Factory Board,
Khudiram Bose Marg,
Kolkata W.B.
3. General Manager,
Gun Carriage Factory,
Jabalpur

RESPONDENTS

(By Advocate - Shri Bhushon Adlok on behalf on behalf of
Shri Om Namdeo)

ORDER (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought the
following main relief :-

"(i) to direct the non applicants to make payment of
interest on the amount of gratuity at prevailant rate
for the period of 1 year and 9 months i.e. three months
after the date of superannuation till June 2003."

2. The brief facts of the case are that the applicant
was working as a Foreman (N/T) in Gun Carriage Factory, Jabalpur
and he retired from service on 31.7.2001. Before his retirement
a charge-sheet was issued to him, which culminated into dropping
of the charges by the disciplinary authority vide OFB letter No.
1591/3060/A/Vig.dated 3.7.2003 and thus the applicant was fully
exonerated. However, the respondents have not paid any interest
of Rs.1,98,578/-
on the withheld amount of gratuity, which has been paid to him on
23.6.2003. Hence this OA.

3. Heard the learned counsel of both the sides.

4. Govt. of India's decision No.(3) reproduced below Rule 68 of Central Civil Services (Pension) Rules, 1972 - Swamy's compilation-Fifteenth Edition-2000 provides as under-

"(3) Guidelines for determining delay in payment of gratuity in cases other than superannuation and payment of interest therefor.-


(i) In case of Government servants against whom disciplinary/judicial proceedings are pending on the date of retirement and in which gratuity is withheld till the conclusion of the proceedings:-


(a) In such cases if the Government servant is exonerated of all charges and where the gratuity is paid on the conclusion of such proceedings, the payment of gratuity will be deemed to have fallen due on the date of retirement vide O.M.No.1(4)/Pen.Unit/82, dated the 10th January, 1983 (Para.3 of Decision(1) above). If the payment of gratuity has been authorised after three months from the date of his retirement interest may be allowed beyond the period of three months from the date of retirement.

(emphasis supplied)

5. In the instant case, at the time of retirement of the applicant a charge-sheet was pending against him. Therefore, the amount of gratuity was not paid to him. After his retirement the charges were dropped by the disciplinary authority vide order dated 3.7.2003 and the amount of gratuity has been paid to the applicant on 23.6.2003. In this view of the matter, and the specific decision of the Govt. of India on the subject reproduced above, the applicant is entitled for payment of interest on the amount of gratuity beyond the period of three months from the date of retirement. We may also point out that in terms of Govt. of India, Dept. of Pen. & P.W. O.M.No.F.7/1/93-P.P&P.W.(F) dated the 25th August, 1994 (reproduced as Govt. of India's decision No.(2) below Rule 68 ibid) the interest for delayed payment of retirement/death gratuity to be at the rate applicable to GPF deposits.

6. In the result, in view of the above, the OA is allowed. The respondents are directed to pay interest on the amount of gratuity to the applicant beyond the period of three months from till the date of its payment i.e. 23.6.2003 the date of his retirement/at the rate applicable to GPF deposits, within a period of three months from the date of communication of this order. No costs.


(A.K. Bhatnagar)
Judicial Member


(M.P. Singh)
Vice Chairman