

**CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JABALPUR**

O.A. No. 800/2001

Jabalpur, this the 13th Day of November, 2003

HON'BLE SHRI SARVESHWAR JHA, MEMBER (A)
HON'BLE SHRI BHARAT BHUSHAN, MEMBER (J)

Shri R.S. Tiwari,
S/o Shri B.B.S. Tiwari (late) ,
Deputy Conservator of Forest,
(Retd. I.F.R.A.)
R/o Vivekanand Nagar,
Balaghat, M.P. ... Applicant

(By Advocate: Shri R.C.Tiwari)

Versus

1. Union of India, through the Secretary, Govt. of India Environment and Forest Department, CGO Complex, Lodhi Road, New Delhi.
2. State of M.P. through the Principal Secretary, Forest Department, Vallabh Bhawan, Bhopal, M.P.
3. The Principal Chief Conservator of Forest, M.P. Satpura Bhawan, Bhopal.
4. Accountant General, Madhya Pradesh, Gwalior.
5. The Divisional Forest Officer, Territorial, Rajnandgaon, M.P.

(By Advocate: None)

O R D E R (Oral)

By Hon'ble Shri Sarweshwar Jha, Member (A):

Heard the learned counsel for the applicant. None appeared for the respondents. However, we have decided to dispose of this matter under Rule 16 of the Central Administrative Tribunal (Procedure) Rules, 1987.

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2. The applicant has preferred this OA with prayers that the respondents be directed to make payment of the retiral claims ~~kept~~ withheld by them, as mentioned in paragraph 4.3 of the OA, together with interest at the rate of 24% on delayed payments.

3. The applicant is an officer of the Indian Forest Service and has retired on 30.6.2000.

4. From the written filed by the respondents, it is observed that these payments have since been made to the applicant. However, payment relating to gratuity was made only in March, 2002, i.e., after about two years of his retirement from the service. It is this part of the payment which has been delayed inordinately by the respondents and on which the applicant is seeking interest being paid to him.

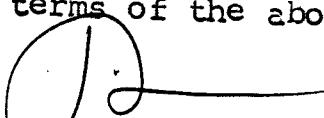
5. After considering the facts and circumstances of the case and also after hearing the learned counsel for the applicant, we have carefully perused the material on record and we have observed that while the respondents have already made payment of all the retiral dues in respect of the applicant, it is not clear from the records as to why the amount relating to gratuity could be paid only in March, 2002. In view of the fact there are specific provisions regarding payment of interest on delayed payments of DCRG under Rule 19(9) of All India Service (Death-cum-Retiral Benefits) Rules, 1958 to which our

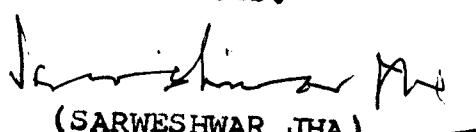
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attention has been drawn by the learned counsel for the applicant, we are of the considered opinion that ^{the} respondents would need to look into this aspect of the problem and to consider making ~~payment~~ of the interest on the delayed payment of gratuity as admissible under the said rules and any other relevant instructions on the subject, and to dispose of the matter within a period of two months from the date of receipt of a copy of this order. In this connection, the respondents will also be referring to the instructions of the Finance Department as placed at Annexure-A6 to the OA while considering ~~the~~ and disposing of the matter as per the directions given above.

6. With this, the OA stands disposed of in terms of the above directions. No costs.


(BHARAT BHUSHAN)
MEMBER (J)


(SARWESHWAR JHA)
MEMBER (A)

*copy made
on 19.11.*

पृष्ठांकन सं. ८०/८० तिथि १९.११.०३ दि.....

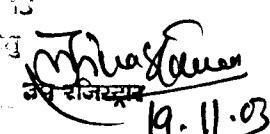
(1) रामेश्वर शर्मा, निवास सं. ८०/८०

(2) अमित शर्मा, निवास सं. ८०/८० दो काउल R.C. Tiwari, Adr.

(3) शंकर शर्मा, निवास सं. ८०/८० के काउल P. Shankaram, Adr.

(4) रामेश्वर शर्मा, निवास सं. ८०/८०

सूचना पुस्तकालय, असामी द्वा


वर्तमान
19.11.03