

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH  
CIRCUIT AT INDORE**

O.A. NO.817/1998

Indore, this the 11<sup>th</sup> day of August, 2003

**HON'BLE SHRI SHANKER RAJU, MEMBER (J)**

**HON'BLE SHRI R. K. UPADHYAYA, MEMBER (A)**

P.G.Deshmukh,  
Retired PWI (C) Sawai Madhopur  
Now resident at 166 Renuka Krupa  
Behind Meera Kuti, Gandhi Nagar,  
Ratlam (MP)-457001.

... Applicant

( By Shri A. N. Bhatt, Advocate )

-versus-

1. Union of India through  
General Manager,  
Western Railway, Churchgate,  
Mumbai.
2. Chief Adviser & Chief Accounts Officer (S&C),  
Western Railway, New Stn. Bldg.,  
7<sup>th</sup> Floor, Churchgate,  
Mumbai.
3. Chief Project Manager (S&C),  
Railway Construction.  
Opp. Railway Hospital,  
Jabalpur-302006.

... Respondents

( By Shri Y.I.Mehta, Sr. Advocate with Shri D.S.Patel, Advocate )

**ORDER (ORAL)**

**Hon'ble Shri R.K.Upadhyaya, Member (A) :**

The applicant was working as Permanent Way Inspector (Survey & Construction) in the Railways and retired on superannuation on 31.12.1995. This OA filed on 27.10.1998 assails the delay in payment of retiral dues to the applicant and has sought a direction for release of all arrears along with interest at the rate of 18%.

*Chintan Joshi*

2. According to the applicant, pension papers of an employee should be initiated two years in advance of superannuation. In spite of such provisions, the applicant has not been paid retiral dues even after retirement.

3. The respondents have contested the claim of the applicant as per the reply filed. It has been stated that applicant was incharge of several stock which required to be reconciled before payment of ~~retiral~~ dues could be made to him. The stock verification was taken up about six months before his retirement and due to failure to clear the stock sheet within the stipulated period, some of his ~~retiral~~ dues were withheld to avoid loss to the department.

4. The applicant in his rejoinder has alleged that only after initiation of court cases settlement dues have been paid. The stock verification, according to the applicant, has not been done properly and an amount of Rs.19,416/- has been withheld even now.

5. The respondents have also filed a reply to the rejoinder in which it has been specifically mentioned that the shortage of stock has been admitted by the applicant as can be seen from the stock verification sheets dated 3.5.1994 and 1.12.1994. According to the respondents, the applicant had been requested from time to time even before his retirement to reconcile the stock position. This effort continued even after his retirement and the stock variation has been brought down to Rs.19,416/- from Rs.99,00,000/-. The applicant had not maintained the records properly and no satisfactory explanations had been offered by him, therefore, an amount of Rs.19,416/- has ultimately been ordered to be recovered from his gratuity. According to the learned counsel of the respondents there is no omission or violation on the part of the respondents in payment of ~~retiral~~ dues to the applicant on time. Delay, if any, is to be attributable squarely to the applicant only. The learned counsel invited attention to the various correspondence filed by him as Annexures to the reply.

*C. S. Nair*

to rejoinder to indicate that the department has been taking every possible effort to reconcile the stock position. The learned counsel also stated that in case the applicant helps in reconciling the stock, the balance amount due to him would also be released.

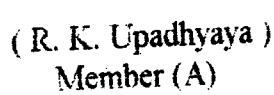
6. We have heard the learned counsel of parties and have perused the material available on record.

7. The letter written by the applicant to CPM, Western Railway, Jaipur (Annexure A-2) indicates that after retirement on 31.12.1995, the applicant received a cheque of Rs.1,09,573/- on 5.2.1996. Applicant's letter dated 21.5.1997 (Annexure A-2) indicates that his main grievance was relating to delay in payment of gratuity and leave encashment. It appears from letter dated 6.4.1998 (Annexure A-3) addressed to the applicant that the respondents were taking steps to reconcile the stock verification. The applicant had given certain satisfactory explanation relating to some items, therefore, those stock materials were considered satisfactorily explained. However, there were still certain items which were not satisfactorily explained. From the copy of these letters filed by the applicant with the OA, it is clear that the delay, if any, in payment of part of ~~retiral~~ dues, particularly gratuity, is attributable to the applicant himself. As a railway employee, he knew it very well that he had to account for the stock under his charge. The stock verification statements were signed by him as early as on 3.5.1994, whereas he retired on 31.12.1995. We notice that the applicant has not given the required details to his employers about the stock position for which he was responsible. As per rules, all ~~retiral~~ dues, particularly gratuity, cannot be released without properly accounting for Government stock etc.

8. In this view of the matter, we do not find any justification to interfere with the orders of the respondents at this stage. Neither the release of balance amount of gratuity nor denial of any interest for delay in payment of part of ~~retiral~~ dues can be

said to be unjustified on the facts of this case. However, it may be clarified that if the respondents find the stock verification reconciled subsequently, they may be at liberty to release the balance part of the gratuity to the applicant and this order of dismissal of this OA will not come in their way.

9. With the observations as in the preceding paragraph and for the reasons given earlier, this OA is dismissed without any order as to costs.



( R. K. Upadhyaya )  
Member (A)

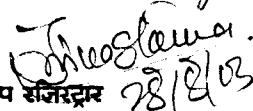


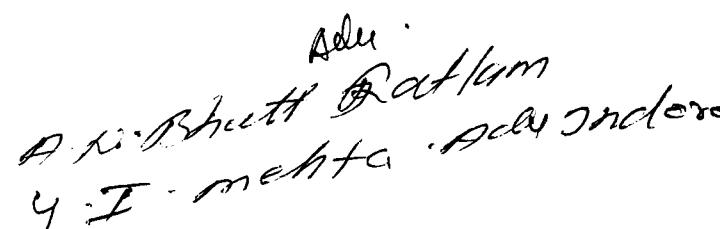
( Shanker Raju )  
Member (J)

/as/

पृष्ठांकन संख्या.....जवलपुर, दि.....  
प्रितिलिपि अध्येता:-

- (1) डॉ. रमेश, उच्च व्यायामय वार एसोसिएशन, जवलपुर
- (2) डॉ. रमेश, डीएनटी/चु.....के काउंसल
- (3) डॉ. रमेश, डीएनटी/चु.....के काउंसल
- (4) डॉ. रमेश, डीएनटी, जवलपुर न्यायपीठ

सूचना एवं आवश्यक कार्यवाही हेतु  
  
उप संसिद्धार 28/2/03

  
Dr. Bhushan Patel  
Y. I. mehta - Ady endore

Issued  
29.8.03  
C.W.B