

THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 5th day of December, 2006

ORIGINAL APPLICATION NO.430/2005

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER

HON'BLE MR.J.P.SHUKLA, ADMINISTRATIVE

MEMBER

Smt.Madhubala
W/o Shri Ganga Ram,
R/o 348/2, Behind Meetha Kuwan,
Lohakhan, Ajmer.

By Advocate : Shri Dharmendra Jain

... Applicant

Versus

1. Union of India
Through General Manager,
North Western Railway,
Ganpati Nagar,
Jaipur.
2. Divisional Railway Manager,
North Western Railway,
Ajmer.

By Advocate : Ms.Dilshad Khan, proxy counsel for
Shri S.S.Hasan

... Respondents

ORDER (ORAL)

The applicant has filed this OA thereby
praying for the following relief :

"By an appropriate order or direction the
respondents be commanded to pay interest on
the amount of gratuity for all the years the
same was illegally withheld by them. The
applicant may also be given the benefit of
leave encashment of the deceased employee
alongwith interest."

2. Briefly stated, the facts of the case are that the applicant while working under the respondents was issued charge-sheet in March, 1987, which culminated into passing of penalty and accordingly the President of India on the advice of UPSC decided that the entire pension admissible to the applicant should be withheld permanently. The said order was challenged by the applicant before this Tribunal by filing OA No.831/92, which was dismissed by this Tribunal on 12.1.94. Grievance of the applicant in this OA is regarding payment of interest on the amount of Gratuity and also the payment of leave encashment.

3. The respondents have filed reply. In the reply it has been specifically stated that the interest on delayed payment of gratuity has already been calculated as Rs.38063/- and the same has been paid to the applicant vide cheque No.197393 dated 21.8.2006. It is further stated that a sum of Rs.12007/- on account of payment of leave encashment has also been paid to the husband of the applicant at the time of his retirement. As such, the applicant is not entitled for payment of the said amount.

4. We have heard the learned counsel for the parties. Learned counsel for the applicant fairly submitted that in view of the stand taken by the respondents in the reply, the present OA does not survive. Accordingly, the same stands disposed of as having become infructuous. No order as to costs.

Signature
(J.P.SHUKLA)
MEMBER (A)

Signature
(M.L.CHAUHAN)
MEMBER (J)