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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 12.04.2012

OA No. 239/2010

Ms. Sangeeta Sharma, counsel for applicant.
Mr. Mukesh Agarwal, counsel for respondent no. 1.
Mr. B.N. Sandhu, counsel for respondent no. 2.

At the request of learned counsel for the parties, put
up the matter on 03.05.2012 for hearing.

K.S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

03/05/2012

OA 239/2010

Ms. Sangeeta Sharma, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondent No. 1.
Mr. B.N. Sandhu, Counsel for respondent No. 2.

Heard.

O.A. is disposed of by a separate
order on the separate-sheets for
the reasons recorded therein.

K.S. Rathore
[Justice K.S. Rathore]
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 3rd day of May, 2012

ORIGINAL APPLICATION No.239/2010

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

G.R.Harsenia
Aged about 62 years,
Retired Chief Accounts Officer,
Bharat Sanchar Nigam Limited,
r/o D-145, Nirman Nagar, Cautam Marg,
Ajmer Road, Jaipur

... Applicant

(By Advocate: Ms. Sangeeta Sharma)

Versus

1. Union of India
through the Controller of Communication Accounts,
Department of Telecom and IT,
Government of India,
Jhalana Doongari,
Jaipur
2. The General Manager,
Bharat Sanchar Nigam Limited,
Ajmer.

.... Respondents

(By Advocate : Shri Mukesh Agarwal for resp. No.1 and Shri
B.N.Sandu for resp. No.2)

ORDER (ORAL)

The present OA is preferred by the applicant claiming interest on the delayed payment of difference of gratuity amount, which had been enhanced pursuant to adoption of the recommendations of the Sixth Central Pay Commission.

2. It is not disputed that the applicant retired on attaining the age of superannuation on 31.10.2007 and immediately thereafter gratuity amount of Rs. 3.50 laacs was paid to the applicant as per the prevalent rules. It is also not disputed that the enhanced gratuity pursuant to recommendations of the Sixth Central Pay Commission was adopted after clarification received vide letter dated 12th August, 2009 (Ann.R/2) and made effective from 1.1.2006. The payment of revised rate of DCRG was required to be made on the basis of the recommendation of the Sixth Central Pay Commission to the BSNL employees only w.e.f. 12th August, 2009 onwards. The matter was processed in the Department for payment of balance amount of enhanced DCRG and after compliance of pre-audit condition the case of the applicant for payment of enhanced gratuity was finally received on 27.10.2009 and the same was settled on 14.12.2009. The payment of the balance amount pursuant to the adoption of recommendation of the 6th Central Pay Commission was made on 13th January, 2010. In such circumstances,



the delay can be said to be bona-fide and no interest is payable to the applicant.

3. Accordingly, I find no delay in payment of enhanced amount of gratuity made pursuant to implementation of recommendations of the 6th Central Pay Commission by the respondents and the relief claimed by the applicant for interest on delayed payment does not arise. Consequently, the OA fails being devoid of merit and the same is hereby dismissed with no order as to costs.


(JUSTICE K.S.RATHORE)
Judl. Member

R/