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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 12.04.2012

OA No. 143/2011

Mr. P.N. Jatti, counsel for applicant.
Mr. Mukesh Agarwal, counsel for respondents.

At the request of learned counsel for the parties, put up
the matter on 15.05.2012 for hearing.

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

Kumawat

15.5.2012

Mr. P.N. Jatti, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondents.

Heard. The OA is disposed of by a
separate order.

Anil Kumar
(Anil Kumar)
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

Jaipur, the 15th day of May, 2012

ORIGINAL APPLICATION No. 143/2011

CORAM :

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Rohitas Kumar Meena son Shri Ram Lal by caste Meena, aged about 53 years, resident of Village and Post Buchaheda via Kotputli, District Jaipur. Presently retired as Group 'D' from the Post Office Shahpura, District Jaipur.

... Applicant

(By Advocate : Mr. P.N. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Department of Post, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Senior Superintendent Post Offices, Jaipur (M) Dn. Shastri Nagar, Jaipur.
4. Director Postal Accounts, Jhalana Doongri, Jaipur.

... Respondents

(By Advocate: Mr. Mukesh Agarwal)

ORDER (ORAL)

The applicant has filed this OA praying for the following reliefs:-

- "(i) That by a suitable writ/order or the direction the respondents be directed to pay 12% interest on the delayed payment of gratuity on 06.04.2009. This interest be paid with effect from 12.11.2006 to 06.04.2009 in the amount of DCRG that is Rs.27,405/- (twenty seven thousand four hundred and five only).
- (ii) Any other relief which the Hon'ble Bench deems fit."

2. Learned counsel for the applicant argued that the applicant retired on 11.11.2006 but his gratuity of Rs.27,405/- was sanctioned vide order dated 06.04.2009 (Annexure A/4) after a delay of about 30

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months. Therefore, the applicant is entitled for interest of the delayed payment. To support his averments, he referred to Rule 68 (1) of CCS (Pension) Rules, which is quoted below:-

"68. Interest on delayed payment of gratuity

(1) If the payment of gratuity has been authorized later than the date when its payment becomes due, and it is clearly established that the delay in payment was attributable to administrative lapses, interest shall be paid at such rate as may be prescribed and in accordance with the instructions issued from time to time."

3. Learned counsel for the applicant further argued that interest on House Building Advance after retirement is not chargeable against the applicant. In support of his averments, he referred to the **letter No. 10/15/59-H-III dated 23.07.1962 and OM dated 15.04.1965** referred to under Government of India Order (1) below Rule 8 of House Building Advance Rules. Therefore, if any interest is charged on HBA, then the applicant should also be allowed interest on late payment of gratuity. The applicant represented before the competent authority on 12.08.2010 (Annexure A/2). The respondents have informed vide letter dated 09.08.2010 (Annexure A/1) that his case was examined without any delay. In support of his averments, he referred to the orders of CAT, Principal Bench, New Delhi in the cases of **Shri Maneesh Garg vs. Union of India & Others**, 1997 (1) S.L.J. CAT 545 and **Shri N. Swaminathan vs. Council of Scientific & Industrial Research**, 1997 (3) S.L.J. CAT 545.

4. On the contrary, learned counsel for the respondents submitted that as per Government of India OM No. 10/15/59-H-III dated

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23.07.1962 and OM dated 15.04.1965, the Government of India has decided that in case where a part of the advance sanctioned to a Government servant under Housing Building Advance Rules or interest on amount of advance to be wiped off by adjustment either from Gratuity/death cum retirement Gratuity, no interest should be recovered on the Principal amount of outstanding advance beyond the date of retirement (Annexure R/1). He further argued that no interest has been charged on the outstanding House Building Advance after the date of retirement of the applicant. He further argued that as the amount of DCRG payable to the applicant on the date of his retirement has been adjusted against his Government dues/balance amount of HBA, there is no difference/loss to him, and either it is sanctioned or adjusted on 11.11.2006 or on 06.04.2009. No interest has been charged from him on such government dues after the date of his retirement. Thus applicant is not entitled for any interest on the amount of DCRG. He further submitted that the ratio decided by the CAT, Principal Bench, New Delhi in the cases of **Shri Maneesh Garg vs. Union of India & Others** (supra) and **Shri N. Swaminathan vs. Council of Scientific & Industrial Research** (supra) is not applicable under the facts & circumstances of the present case. There is no delay on the part of the administration in the sanction of the gratuity and he has not suffered any financial loss. Therefore, he is not entitled for interest on gratuity. Therefore, the OA should be dismissed with cost.

5. Heard the rival submissions of the parties and perused the documents on record. It is not disputed that the applicant retired on

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11.11.2006 and gratuity was sanctioned to him vide order dated 06.04.2009 (Annexure A/4). Learned counsel for the respondents has made it clear that the amount of gratuity has been adjusted against the Housing Building Advance. Therefore, the applicant is not entitled for any interest on such amount as the Government has also not charged any interest on the government dues from him after the date of his retirement. He has not suffered any financial loss as the gratuity amount has been adjusted against his government dues/balance on account of outstanding Housing Building Advance. I have carefully gone through the case laws, referred to by the learned counsel for the applicant and I am of the opinion that the ratio decided by the CAT, Principal Bench, New Delhi in the cases of **Shri Maneesh Garg vs. Union of India & Others** (supra) **Shri N. Swaminathan vs. Council of Scientific & Industrial Research** (supra) is not applicable under the facts & circumstances of the present case. In my opinion, the applicant has failed to make out any case for any relief from this Tribunal.

6. Consequently, the OA being devoid of merit is dismissed with no order as to costs.

Anil Kumar
(Anil Kumar)
Member (A)

AHQ