

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.100/4472/2014

This the 27th day of October, 2016

Hon'ble Mr.K.N.Shrivastava,Member(A)

Dr.RamDassGautam
S/o Late Sh. Girdharilal
Aged 64 years
Professor & Principal Scientist
(Entomology), Indian Agricultural
Research Institute (IARI), (Pensioner).
R/o ED-76 B, Pitampura,
Delhi-110034. Applicant

(By Advocate: ShriLakhi Prasad)

Versus

1. Secretary,
Indian Council of Agricultural Research,
KrishiBhawan, Ministry of Agriculture,
Govt. of India, New Delhi-110001.
2. Director, Indian Agricultural Research
Institute (IARI), Pusa, New Delhi-110012.
3. Dr. G.T. Gujjar, Head,
Division of Entomology,
(IARI), Pusa,
New Delhi.

(By Advocate: Shri Rishi Kant Singh for respondent Nos.1 and 2)

ORDER(ORAL)

The applicant joined Indian Council of Agriculture Research (ICAR) as a Senior Research Asstt. On 18.09.1975. He was promoted as Principal Scientist in July, 1998 and then Professor & Principal Scientist at Indian

Agricultural Research Institute (IARI). He superannuated on 31.07.2012. At the time of his superannuation, he was posted as Professor and Principal Scientist, IARI.

2. The grievance of the applicant is that immediately after his retirement from service, he was not paid his retiral dues. He has filed this OA praying for the following main reliefs:

- A. *Direct the respondents to pay the Leave Encashment for three hundred days, approximately Rs. 12,00,000/- and also direct the respondents to release the amount of Rs.1,00,000/- of the respondents to release the amount of Rs.1,00,000/- of withheld gratuity along with interest @ 18% per annum from the date of retirement of the applicant i.e. 31.07.2012 till the actual date of payment.*
- B. *Direct the respondents to pay at least another Rs.5,00,000/- as an exemplary cost for harassing and depriving the applicant of his constitutional rights.*
- C. *Direct the respondent to pay Rs.1,00,000/- as the costs of litigation."*

3. Pursuant to the notice issued, the official respondents namely, respondents Nos.1 and 2 entered appearance and file their reply. Respondent No.3, who is a private respondent and who was head of the Division of Entomology, IARI did not appear despite notice.

4. The official respondents in their reply have submitted that a major fire accident took place on 13.01.2012 in the Division of Entomology of IARI in which Post Graduate Laboratory and Laboratory of Dr. V.V. Ramamurthy,

Principal Scientist as well as that of the applicant got burnt. The estimated loss was of more than Rs.29 lakhs. Certain items issued to the applicant for the said laboratory also got burnt on account of which vigilance clearance could not be issued to him immediately. It is further submitted that a proposal was sent to ICAR for writing off the loss of the properties burnt in the fire accident. It is also submitted that an amount of Rs.1 lakh, which is about 10% of the gratuity payable to the applicant, was withheld as the housing section could not issue No Due Certificate (NDC) to the applicant at the time of his retirement and the said NDC was issued by the housing section only on 10.05.2013. The respondents have released the remaining amount of gratuity at the time of applicant's retirement. The applicant confirmed, during the course of hearing today, that all retiral dues including GPF were released to him at the time of his retirement except the leave encashment benefits and withheld gratuity amount of Rs.1 lakh.

5. Learned counsel for the official respondents, during the course of hearing today, produced a photocopy of a Bank statement which indicates that an amount of Rs.12,15,520/- has been credited to the account of the applicant by the respondents on 28.09.2016 and this amount is towards the leave encashment benefits. He also submitted that the withheld gratuity of Rs.1 lakh is in the process of being released to the applicant.

6. From the perusal of the pleadings and documents annexed thereto, I do not find any credible explanation on the part of the official respondents for withholding the leave encashment benefits of the applicant which of course has been released to him only on 28.09.2016. A communication in this regard has been received by the applicant on his mobile phone from the Bank as confirmed by him during the course of hearing today. Further, delay

in issue of NDC by the housing section is inexplicable. For the lethargy and inaction on the part of the housing section in issuance of the NDC to him, the applicant cannot be put to loss.

7. Learned counsel for the official respondents vehemently argued that there has not been any malafide on the part of the respondents and that the delay in releasing the retirement benefits of the applicant has occurred on account of time consumed in some correspondence between IARI and ICAR with regard to the writing off loss of the properties that got burnt in the fire incident.

8. In view of above, I am of the opinion that the applicant deserves to be awarded the interest at a reasonable rate on the delayed payments.

9. In the conspectus of the discussions in the foregoing paras, the OA is disposed of with the following directions to the respondents Nos. 1 and 2:

(i) Respondents Nos. 1&2 shall pay interest at the rate of 9% to the applicant towards leave encashment benefits of Rs.12,15,520/- for the period from 01.08.2012 to 27.09.2016;

(ii) Respondents No.1&2 shall release the withheld gratuity amount of Rs. 1 lakh, after deducting any outstanding house section dues of the applicant, forthwith. Interest @9% is also allowed on the withheld gratuity amount.

iii) The Respondents Nos.1&2 shall comply with this order within a period of two months from the date of receipt of a copy of this order.

10. No order as to costs.

(K.N.Shrivastava)
Member(A)

/rb/