

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI**

O.A. No.4472/2018

This the 6th day of December, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)

Braham Prakash, aged 61 years, 'B'
S/o Hazari Lal,
Retired Chief Office Supdt.
From the Office of Divisional Engineer, New Delhi
R/o H.No.118/29, Bhim Vihar, Part-I,
Near Railway Station, Gurgaon

- Applicant

(By Advocate: Mr. Yogesh Sharma)

VERSUS

1. Union of India through
the General Manager,
Northern Railway, Baroda House,
New Delhi
2. The Divisional Railway Manager,
Northern Railway, Delhi Division,
State Entry Road, New Delhi
3. The Sr. Divisional Finance Manager,
Northern Railway, Delhi Division,
State Entry Road, New Delhi
4. The Senior Divisional Personnel Officer,
Northern Railway, Delhi Division,
State Entry Road, New Delhi

- Respondents

O R D E R (Oral)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- “(i) That the Hon’ble Tribunal may graciously be pleased to pass an order declaring to the effect that the whole action of the respondents not releasing the DCRG amount (Gratuity) of the applicant is illegal, arbitrary and against the law of the land and consequently, pass an order directing the respondents to release the DCRG amount of the applicant immediately with interest @18% PA from the date of retirement till the date of payment.
- (ii) That the Hon’ble Tribunal may graciously be pleased to pass an order directing the respondents to release the transportation packing allowances of the applicants with interest.
- (iii) That the Hon’ble Tribunal may graciously be pleased to pass an order directing the respondents to release the post retirement passes of the applicant immediately.
- (iv) Any other relief which this Hon’ble Tribunal deem fit and proper may also be granted to the applicant.”

2. When the matter is taken up for admission, it is noticed that the applicant has already been granted pension and he is only asking for his gratuity which he is entitled for. He acknowledges quite fairly that there are other disputes with regard to his pay scale which has been raised and currently under litigation at the level of the Hon’ble Supreme Court. Quite fairly, this cannot be a reason to stop his gratuity as calculated as per DCRG. Hence, the delay in paying his gratuity by the respondents is not correct.

3. Without going into the merits of the matter, the respondents are directed that based on the DCRG, they must pay the gratuity as calculated by them as due to the applicant. If there is any delay as per the CCS (Pension) Rules, 1972, they shall also pay the GPF rate of interest for the period calculated as delay for the same.

4. With the above directions, the OA is disposed of at the admission stage itself.

(Nita Chowdhury)
Member (A)

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