

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Friday 15th day of December Two Thousand And Seventeen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/00553/2015

R. Ganesan,
S/o. R. Raman,
No.4/27, Periyar Illam,
Mettupatty,
Dindigul- 624 001.

.....Applicant

(By Advocate : M/s. R. Malaichamy)

VS.

1. Union of India,
Rep. by the Secretary,
Department of Posts,
Ministry of Communications & IT,
Dak Bhavan,
New Delhi- 110 001;
2. The Director of Postal Services,
O/o. the Postmaster General,
Southern Region,
Madurai- 625 002;
3. The Senior Superintendent of Post Offices,
Dindigul Division,
Dindigul-624 001;
4. Senior Superintendent
Railway Mail Service,
"MA" Division,
Madurai- 625 001;

5. Director of Postal Services,
O/o. the Postmaster General,
Southern Region,
Madurai- 625 002;
6. Shri. M. Newton Balakrishnan,
Then Superintendent of Post Offices,
Dindigul Division now
Asst. Superintendent of Post Offices,
Tiruchendur Sub-Division,
Tiruchendur;
7. Assistant Postmaster General (Staff),
O/o. the Postmaster General,
Southern Region,
Madurai. ...Respondents

(By Advocate: Mr. S. Nagarajan)

O R A L O R D E R

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. Learned counsel for the applicant submits that applicant retired on superannuation on 31.05.2011. Prior to his retirement, disciplinary proceedings under Rule 14 of CCS(CCA) Rules were initiated and consequently his retirement benefits were withheld. After conclusion of departmental proceedings, the competent authority in consultation with the Union Public Service Commission (UPSC), passed an order on 30.09.2014 to the effect that the charges proved against the applicant did not constitute grave misconduct on his part to warrant imposition of a cut in pension. Accordingly, the monthly pension and gratuity admissible to the applicant was directed to be released. It is submitted that the applicant was paid his gratuity and other retirement benefits on 13.11.2014.

2. Learned counsel for the applicant would refer to the order of this Tribunal in OA No.243/2014 dated 19.08.2015 and submit that if the charges were of a nature that did not warrant a major penalty while in service or a cut in pension after retirement, this fact was known in advance to the competent authority who had held the proceedings only with a view to harass the applicant and delay his retirement benefits. As the delay in payment of gratuity was not attributable to the applicant, the same is liable to be paid with interest. He would accordingly seek disposal of the instant O.A. in terms of the order passed in O.A. No. 243/2014.

3. Learned counsel for the respondent opposes the plea and submits that the respondents had acted in pursuance of the order passed by the Hon'ble High Court dated 27.08.2014 in C.P. 2146/2014 wherein the respondents had been allowed three months time for payment of retirement benefits. It was observed that if all the benefits were not paid within a period of three months, the respondents were bound to pay interest @ 9% per annum and the amounts were payable to the petitioner from 1.5.2011. As there is no violation of the order of the Hon'ble High Court and retirement benefits were paid within a period of three months, the question of payment of interest on gratuity would not arise, it is contended.

4. Learned counsel for the applicant would, however, argue that a direction of a Court regarding retirement benefits in general, such as, leave encashment etc., could not be applied to gratuity as there is a specific provision for interest on delayed payment of gratuity. He would submit that Hon'ble High Court had not made any specific reference to this and, in any case, it was only an order disposing of a Contempt Petition. It would not deprive the applicant of his right flowing from the rules.

5. I have carefully considered the matter. It is not in dispute that the matter is covered by the order of this Tribunal in O.A. No. 243/2014 dated 19.8.2015 which according to the applicant had been complied with by the same respondent. The fact remains that the charges proved against the applicant were not sufficiently grave to warrant a cut in pension. It is seen that the by an order dated 24.3.2015, it was held that charges were proved

and, therefore, the suspension period from 31.5.2011 was treated as such. If the charges were proved and yet they were not grave enough to warrant a cut in pension, then Rule 14 proceedings initiated before retirement and followed through under Rule 9 of the CCS (Pension) Rules were avoidable in the first place.

6. In view of the above, I deem it appropriate to direct the respondents to pay interest on gratuity from the date of retirement at the rate applicable to G.P.F. deposits during the relevant period, within a period of two months from the date of receipt of copy of this order.

7. The OA is disposed of in the above terms. No costs.

(R. RAMANUJAM)
MEMBER(A)

asvs.

15.12.2017