

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA/020/104/2017

Date of CAV : 10.08.2018  
Date of Order : 17-09-2018

Between :

Syed Khasim Hussain,  
Aged about 56 years,  
S/o Syed Fazal Hussain, Scientific Assistant 'D' (Retd),  
Heavy Water Plant, Talcher, Orissa,  
R/o H.No.14-1-121,SBH Road,  
Opp: Dr.Nabi Naik Hospital,  
PO New Paloncha – 507 115.

....Applicant

AND

1. The Union of India  
Represented by its Secretary, Govt. Of India,  
Dept. of Atomic Energy, Anushakthi Bhawan,  
CSM Marg, Mumbai – 400 001.

2. The General Manager,  
Heavy Water Plant,  
Dept. of Atomic Energy, Vikrampur (PO),  
Angul Dist, Orissa – 759106.

...Respondents

Counsel for the Applicant: Mr. T.Koteswara Rao  
Counsel for the Respondents : Mr. V.Vinod Kumar, Sr CGSC

CORAM :

THE HON'BLE MR.B.V.SUDHAKAR, ADMINISTRATIVE MEMBER  
THE HON'BLE MR.SWARUP KUMAR MISHRA, JUDICIAL MEMBER

(Order per Hon'ble Mr.Swarup Kumar Mishra, Judicial Member)

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This application is filed under section 19 of the Administrative  
Tribunal's Act, 1985, seeking the following relief :-

“Hence, it is prayed that this Tribunal in the interests of justice be  
pleased to call for the records with respect to the payment of Gratuity  
of Rs.61,685/- which is due to the applicant as per the DoPT  
Memorandum dated 10.12.2009 and declare the inordinate delay

over the payment of said Gratuity as illegal and violative of Article 21 of the Constitution of India and direct the Respondents to pay the interest @ 18% from the date of its due to the applicant and award exemplary costs and pass further orders as are deemed fit and proper by this Hon'ble Tribunal in the circumstances of the case."

2. We have heard Mr.T.Koteswara Rao, learned counsel appearing for the applicant and Mr.V.Vinod Kumar, learned Sr Central Government Standing Counsel for the Respondents.

3. Mr. T. Koteswara Rao, learned counsel for the applicant submits that the matter is covered by the order of this Tribunal in OA No.577/2014 decided on 14.08.2014 and OA/021/709/2015, decided on 18.08.2015 in which this Tribunal had already allowed interest @ 9% per annum on the delayed payments till the date of actual payment. He prays for the same direction to be given in this OA. Mr. V.Vinod Kumar, learned Sr Central Govt., Standing Counsel for Respondents vehemently opposed the prayer.

4. However, being satisfied that the matter is identical and is covered by the order of this Tribunal in OA No.577/2014, decided on 14.08.2014 and in OA/021/709/2015, decided on 18.08.2015, this OA is allowed. The Respondents are directed to pay interest @ 9% per annum on the delayed payments from date it became due till the actual date of payment. No order as to costs.

(SWARUP KUMAR MISHRA) (B.V.SUDHAKAR)

JUDICIAL MEMBER

ADMINISTRATIVE MEMBER

Dated : 17<sup>th</sup> September, 2018.

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