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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

An application under section 19 of the Administrative
Tribunal Act, 1985.

Original Application No. 84 of 2016.

Sri Ram Debabrata Ghosh, son of Late
Ram Gour Ghosh, aged about 63 years,
residing at 17A/1, Hem Chandra Naskar
Road, Kolkata-700010, retired services
Auditor, Principal Accountant General
(Audit), West Bengal.

.....Applicant.

- Versus -

1. Union of India, through the Ministry
of Personal Public Grievances and
Pension Department at Personnel &
Training, New Delhi- 110001.
2. Controller of Auditor General of
India (CAG), 9, Deendayal Upadhyaya
Marg, New Delhi- 110121.

....p/2

Ram Debabrata Ghosh

- 2 -

3. The Principal Account General, Office
of the Principal Accountant General
(GSSA), West Bengal Treasury Building,
Kolkata - 700001.

..... Respondents.

Al

O.A. NO. 350/00084/2016

Date of order: 15.2.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the Applicant : Ms. T. Das, Counsel

For the Respondents : Mr. B. Debnath, Counsel

ORDER (Oral)

Per A.K. Patnaik, Judicial Member:

Heard Ms. T. Das, Ld. Counsel for the applicant and Mr. B. Debnath, Ld. Counsel for the respondents.

2. This O.A. has been filed under Section 19 of the Administrative Tribunal Act, 1985 challenging non-consideration of representation dated 2.7.2015 for non-payment of interest on Gratuity with the following reliefs:-

"(i) An order do issue directing the respondents to give interest for delayed payment of gratuity @ 18% in favour of the applicant.

(ii) And to pass such other order or orders and/or direction/directions as your Lordships think fit and proper."

3. Ld. Counsel for the applicant submitted that the applicant retired from service after attaining the age of superannuation on 31.1.2010 as Sr. Auditor. While on duty he was kept under suspension w.e.f. 13.3.1999 to 16.7.2002 following institution of a criminal case. Thereafter, he was allowed to join and his suspension period have been regularised as duty for all purposes but his pay and allowances for the said period has not been granted to him. The applicant approached this Tribunal by way of filing O.A. No. 1927 of 2010 which was disposed of on 12.11.2010. This order was subsequently challenged before the Hon'ble High Court of Calcutta in WPCT No. 49 of 2011 by the respondent authorities and the Hon'ble High Court upheld the order passed by this Tribunal. In compliance of the order

passed by the Hon'ble High Court the respondent authorities granted the Gratuity amount to the applicant after a lapse of three years. As such, the applicant claims interest for delayed payment of the said amount. The applicant made a representation dated 9.12.2015 to the Principal Accountant General but till date he has not received any response.

4. Therefore, without waiting for the reply we think it appropriate to dispose of this O.A. by directing the respondent Nos. 2 that if any such representation has been preferred on 9.12.2015 and still pending consideration then the same may be considered and disposed of by way of a well reasoned order within a period of two months and if after such consideration the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of three months from the date of such consideration to extend those benefits to the applicant.

5. A copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Ms. T. Das undertakes to deposit necessary cost within a period of 7 days.

6. With the aforesaid observation and direction, the O.A. is disposed of. No costs.

(Jaya Das Gupta)
Administrative Member

(A.K. Patnaik)
Judicial Member

SP