

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...  
**ORIGINAL APPLICATION NO.060/00294/2019**  
**Chandigarh, this the 11<sup>th</sup> day of April, 2019**

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**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &  
HON'BLE MS. P. GOPINATH, MEMBER (A)**

...

G.S. Azad s/o Phuman Singh (Group B) Ex Asstt. Divisional Accounts Officer aged about 78 years, R/o Mandir Street Azad Nagar Firozpur (Punjab) – 152001.

**....Applicant**

**(Present: Mr. Karnail Singh, Advocate)**

**Versus**

1. Union of India through Secretary, Ministry of Railways, Rail Bhawan, New Delhi – 110001.
2. UPSC, Dholpur House, Shahjahan Road, New Delhi – 110001.

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**Respondents**

**ORDER (Oral)**

**SANJEEV KAUSHIK, MEMBER (J)**

1. MA NO. 060/00610/2019 is allowed and the orders (Annexures A-6 and A-7) are taken on record.
2. The present O.A. has been filed by the applicant seeking award of interest on delayed payment of DCRG amounting to Rs.2,24,153/- from 09.11.2001 to 20.07.2018.
3. Heard learned counsel for the applicant and gone through the pleadings on record.
4. The applicant retired on 28.02.2001, on attaining the age of superannuation, but the respondents did not release the amount of DCRG as an FIR was registered against him by the CBI on 10.09.2001 in connection with fraudulent payment of Rs.12.23 lacs to M/S Neeraj Enterprises & M/S Sh. Ganesh Enterprises. The applicant was also charge-sheeted in the year 2004 which,

ultimately, culminated into imposition of penalty of withholding of 100% pension on permanent basis, with further order of withholding of 100% of gratuity permanently, vide order dated 14.09.1997. Against that order, the applicant submitted two representations date 29.09.2017 and 04.11.2017, which were considered and disposed of vide order dated 05.07.2018 by the Hon'ble President of India, modifying the penalty to 60% cut in pension and release of full gratuity from the date of issuance of the order. It is thereafter that the respondents released the amount of gratuity. The prayer of the applicant for grant of interest from the date it became due is not tenable as the amount of gratuity was withheld in terms of penalty order, which has been modified by the Hon'ble President of India, while taking into consideration the advanced age and hardships being faced by the applicant, and not on the basis of merit of the case. It is not disputed that the amount of gratuity has immediately been released after the order of the President.

5. In view of the facts and circumstances of the case, the prayer of the applicant for award of interest on the amount of gratuity is devoid of any merit and is rejected as such. The O.A. stands dismissed accordingly.

**(P. GOPINATH)**  
**MEMBER (A)**

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**(SANJEEV KAUSHIK)**  
**MEMBER (J)**  
**Dated: 11.04.2019**