

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1678/2018

Dated Friday, the 21st day of December, 2018

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

V.Rajasekaran,
No.1311/4, Sundaram Block,
Mangala Nagar, Bikshandai Koil,
Trichy 621 216..

...Applicant

By Advocate M/s Paul & Paul

Vs.

1.Union of India,
Rep., by Secretary, Ministry of Information
& Broadcasting, 'A' Wing,
Shastri Bhavan, New Delhi 110 001.

2.Prasar Bharati,
Rep., by its Deputy Director (Pers)
Prasar Bharathi Secretariat, 2nd Floor,
PTI Building, Sansad Marg, New Delhi 110 001.

3.The Director General,
All India Radio, Akashvani Bhavan,
New Delhi 110 001.

4.The Deputy Director General (E),
Prasar Bharati Broadcasting Corporation of India,
All India Radio, Tiruchirappalli 620 001.

5.Pay & Accounts Officer, All India Radio,
Mylapore, Chennai 600 004.

...Respondents

By Advocate Mr. Su.Srinivasan

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

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

“(a)To direct the 4th and the 5th respondent to release the withheld Gratuity amount of the applicant to the tune of Rs.3,80,214/- to him, with 12% interest from the date of his retirement to till the date of payment.

(b)For such further or other relief or reliefs as this Hon'ble Tribunal may deems fit and proper in the circumstances of the case and thus render justice.”

2. It is submitted that an amount of Rs.3,80,214/- had been recovered from the applicant's gratuity at the time of his retirement on 30.06.2018 although the applicant had by Annexure A-7 representation dated 22.04.2016 drawn the attention of the authorities to the fact that the applicant was a Group C employee and was covered by the judgment of the Hon'ble Apex Court in the case of *State Of Punjab & Ors vs Rafiq Masih (White Washer) dated 18 December, 2014 in CIVIL APPEAL No. 11527 of 2014 & Batch*. Without passing any speaking order on the representation, a unilateral decision had been taken by the respondents although the DOP&T had since issued an OM dated 02.03.2016 accepting the judgment of the Hon'ble Apex Court in the case cited supra and directing that such cases should be processed accordingly.

3. It is alleged that there is no evidence of the applicant's case having been dealt with in terms of the directions contained in the said OM of the

DOP&T dated 02.03.2016. Accordingly, the applicant would be satisfied if the respondents are directed to reconsider the recovery made against the applicant in accordance with the said OM and pass a reasoned and speaking order, it is urged.

4. Mr.Su.Srinivasan, SCGSC takes notice on behalf of the respondents and submits that the respondents would have no objection to pass a reasoned and speaking order within a time limit to be fixed by this Tribunal.

5. Keeping in view the limited relief sought and without going into the substantive merits of the case, we deem it appropriate to direct the competent authority to consider Annexure A-7 representation of the applicant dated 22.04.2016 in accordance with law and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of the is order.

6. OA is disposed of as above at the admission stage.

(P.MADHAVAN)
MEMBER(J)

21.12.2018

(R.RAMANUJAM)
MEMBER (A)

M.T.