

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA**



No.O.A.350/331/2019

Date of order : 10.06.2019

Coram : Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mr. N Neihsial, Administrative Member

Subhash Kumar Seal,
Son of late Paritosh Seal,
Aged about 67 years,
Residing T G Road,
Arabinda Palley,
Post Office – Harinavi,
District – South 24 Paraganas,
Kolkata 700 148

..... Applicant.

- Versus -

- (i) The Union of India,
Through Secretary to Government of India,
Ministry of Labour, Sharam Shakti Bhawan,
Rafi Mark, New Delhi 110 001.
- (ii) The Chief Labour Commissioner (Central),
Govt. of India, Ministry of Labour,
Shram Shakti Bhawan, Rafi Marg,
New Delhi 110 001
- (iii) The Deputy Chief Labour Commissioner (Central)
Govt of India, Ministry of Labour,
2nd MSO Building Nizam Palace,
5th Floor, 244/4 AJC, Bose Road,
Kolkata 700 020

..... Respondents.

For the applicant : Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

For the respondents : Mr. R. Halder, counsel

ORDER(ORAL)

Mr. Justice L. Narasimha Reddy, Chairman

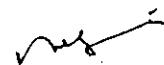
The applicant retired from the service of Ministry of Labour as U.D.C. in the year 2011. He stated that the respondents did not pay him the amount of Central Government Employees Group Insurance Scheme(CGEGIS) and Gratuity soon after retirement. Another grievance of the applicant is that name of his wife was not incorporated in the pension papers.

2. The applicant made a representation ventilating his grievances.

Vide communication dated 15.05.2018 the Deputy Chief Labour Commissioner, Kolkata informed the applicant that :-

- (a) The request for incorporation of the name of the wife of the applicant is under consideration;
- (b) There is no provision for payment of interest on the amounts referable to CGEGIS;
- (c) The request for payment of interest on delayed payment of gratuity was forwarded to the concerned Ministry, and the action is awaited.

3. This O.A. is filed with a prayer to quash the communication dated 15.05.2018 and to direct the respondents to pay interest on delayed payment of CGEGIS and DCRG, Medical Allowance and the gratuity and to incorporate the name of wife of the applicant as a nominee in the pension papers.

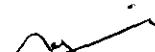


4. We heard Mr. A. Chakraborty leading Ms. P. Mondal, Id. counsel for the applicant and Mr. R. Halder, Id. counsel for the respondents.

5. There is no denial of the fact that the applicant retired from service of the Ministry of Labour and that he was entitled to be paid retirement benefits. As a matter of fact, the payments were made on certain components such as CGEGIS and gratuity maybe, with some delay. Though there exist some provisions of law, regarding payment of interest on delayed release of pension, we do not find any such provision or practice as regards the delay in payment of CGEGIS. Obviously, several facts are to be verified and required to be examined, before the amount is released. Though it was advisable to release the payment at the earliest, the delay cannot lead to the liability to pay interest on that amount. We are not convinced that the applicant is entitled to be paid interest on that amount.

6. Coming to the delayed payment of gratuity, the respondents have categorically stated that the matter was referred to the Secretary, Ministry of Labour and Employment and further action is awaited. The respondents needs to take steps in this regard. So far as the incorporation of the name of the wife of the applicant in the pension papers is concerned, the respondents need to take necessary steps.

7. Therefore, we dispose of this O.A. directing the first respondent to take appropriate decision on the request made by the applicant for payment of interest on delayed release of gratuity. The second



respondent shall take steps on the request pertaining to incorporation of the name of the wife of the applicant in the pension papers. Both the steps shall be taken within a period of 2 months from the date of receipt of this order. There shall be no order as to costs.

(N. Neihsial)
Administrative Member
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(Justice L. Narasimha Reddy)
Chairman