

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, CALCUTTA

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O.A. 352 of 2013.

Order dated: 08.02.2016

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

AMALENDRA NATH SARKAR

VS.

UNION OF INDIA & ORS. (B S N L)

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. S. Panda, Counsel

ORDER (Oral)

The applicant has filed this O.A. seeking the following reliefs:

"8.(a) Direct to the respondent for payment of PLI of Rs. 1430/- for the period of 2002-2003 along with interest to the applicant immediately.

(b) Direct to the respondent to pay the training allowance with leave salary encashment to the applicant.

(c) Direct to the respondent to pay the interest due to delay payment of R/Gratuity to the applicant.

(d) Cost of the litigation.

(e) Any other order or orders as your Honour may deem fit and proper."

2. The respondents while denying the claims categorically stated the following:

"The respondents have inadvertently disbursed bonus amount of Rs. 10,000/- on the basis of IDA scale. The audit has raised objection and recovery @ Rs. 1430/- was made from the Executives vide ACG 67. Some of the examples are as under:

Rs. 1430/- deposited by Shri P.C. Debnath vide Receipt No. 71 Book No. 616 on dt. 08.11.2007.

Rs. 1430/- deposited by Shri S.C. Biswas vide Receipt No. 73 Book No. 616 on dt. 08.11.2007 etc.

Hence, the claim of Rs. 1430/- for the Ex-SDE cannot be entertained.

Claim of training allowances with the amount of leave encashment.

The copy of the DOT letter no. 36-2/2002-Pen(T)/FA/Misc/32 dt. 25.02.2003 will clarify the reason for non-inclusion of training allowances along with leave encashment. After conclusion of the disciplinary proceedings when the turn for settlement of leave encashment comes, the clarification on the matter was received through CAO/FA and thus no further leave encashment may be drawn

taking into account the training allowance. The rule position in this regard has already been informed to AGM (Staff-II), Calcutta Telephones vide this office letter dt. 18th December, 2008 with a copy to Shri A. N. Sarkar, ex. SDE.

Interest for delayed payment of Gratuity.

Copy of the Rule 68 of CCS Pension Rule under which the Gratuity will be due on the date of conclusion of the proceedings. The period for which interest to be allowed is 07.05.2007 to 23.01.2008. the officer was not allowed opt for IDA pay scale due to pendency of the disciplinary proceedings. He was paid retirement Gratuity of Rs.302105/- under CDA Pay Scale on 08.12.2006 after the conclusion of proceedings vide and revised Calculation showing payment of retirement Gratuity of Rs. 46,895/- as per DOT Cell CTD on 27.08.2007. there was delay of 262 days and interest on 46,895/- for the aforesaid period is calculated as $46895 \times 8 / 100 \times 262 / 365$ i.e. Rs. 2693/-.

For the initial payment of Gratuity there appears delay within one month of issue of the order. Hence, no interest is payable. The DCRG was paid by DOT cell. Hence, the interest is also to be paid by DOT Cell. The respondents have written to CAO/DOT Cell, CTD on 9.99.2009. But the matter has not yet been settled. The matter may kindly be clarified and taken up with DOT cell to redress the long pending case of Sri Sarkar."

3. In view of the aforesaid admitted position, that the applicant would be entitled to interest or delayed payment of gratuity, the competent authority is directed to grant interest @ 8% per annum on the delayed payments from the date it fell due till the date it was released. The payments be made within 1 month of communication of this order.
4. O.A. is accordingly disposed of with the consent of the parties.

(Bidisha Banerjee)
JM

drh