IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.157 of 2015

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1. The Union of India through the Member,Postal Dak Bhawan,Sansad Marg,New Delhi
2. The Chief Post Master General,Bihar Circle,Patna
3. The Post Master General, Nothern Region,Muzaffarpur
4. The Director of Postal Service, Office of Post Master General, Nothern Region, Muzaffarpur
5. The Superintendent of Post Offices,West Champaran,Postal Division ,Bettiah
6. The Director, Accounts of Posts,Bihar,Patna

.... Petitioner/s

Versus

Rameshwar Rai S/O Late Munshi Rai, Resident of Loharpatti,P.O-Barbat Parsai,P.S-Bettiah Muffasil,Distt.-West Champaran(Bihar)

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar, ASG
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)
Date: 28-04-2016

The order dated 21st November, 2012 passed by the Central Administrative Tribunal, Patna Bench, Patna, in Original Application No. 334 of 2012 is the subject matter of challenge in the present writ petition. Vide the order impugned, the respondent-applicant has been ordered to be paid interest @8% with effect from 12.05.2005 on all the benefits which were held up due to non-regularization of the suspension period till the date of his retirement.

Learned counsel for the petitioners argued that all other retiral benefits were paid soon after superannuation of the applicant except gratuity which was withheld in terms of Rule 69(3) of the Central Civil Services (Pension) Rules, 1972. He refers to the judgment of the Supreme Court in the case of **R. Veerabhadran vs. Govt. of Andhra Pradesh (AIR 2000 SC 1918)** to contend that in similar circumstances the Court did not find any illegality in withholding the amount of gratuity pending criminal trial and that there is no reason to order payment of interest on the amount of gratuity so withheld.

Keeping in view the fact that interest on the amount of gratuity alone is the subject matter of challenge and the fact that the amount would not be substantial amount, we do not find any reason to interfere with the order passed by the Tribunal. Further more, it is admitted that the amount of interest has already been paid. It shall be open to the petitioner to resist the claim of interest in any other case in accordance with law.

The writ petition is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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