

HIGH COURT FOR THE STATE OF TELANGANA
THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.16596 of 2019

07.08.2019

Between

Dr. Adapa Srinivasa Rao,
S/o. Sri A. Raja Rao, aged 71 years,
Chief Scientist (Retd),
9-81/1, Street No.4, A 10 HMT Nagar
Nacharam, Hyderabad – 500 076.

...PETITIONER

AND

The Government of India,
Rep. by its Secretary,
Ministry of Science and Technology,
Technology Bhavan, New Mehrauli Road,
New Delhi – 110 016 and others.

...RESPONDENTS

Counsel for the Petitioner: Mr. K. Lakshmi Manohar

Counsel for the Respondents: Mr. K. Lakshman
Asst. Solicitor General
Mr. M. Srikanth
For Respondent Nos.3 and 4

The Court made the following:

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.16596 of 2019

ORDER: { Per the Hon'ble the Chief Justice Sri Justice Raghvendra Singh Chauhan}

The petitioner has challenged the legality of the order dated 19.03.2019, passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad ('learned Tribunal' for short), in OA.No.21/1559/2015, whereby the learned Tribunal has allowed the OA, and directed the respondents to apply the rules of depreciation prevalent in their organization as on the date of retirement of the applicant, and to recover the said cost from the gratuity. It has further directed that the balance may be released to the applicant within a period of thirty days. However, the learned Tribunal has denied the interest upon the gratuity amount, as prayed for by the applicant.

2. Briefly, the facts of the case are that on 04.12.1984 the petitioner had joined the Council of Scientific and Industrial Research as Scientist "C". He had retired from the said institution on 31.12.2008 as Scientist "G". The petitioner claims that although an amount of Rs.8,73,900/- was due to him as DCRG, the same was not paid to him immediately upon his retirement. Out of the said amount, merely Rs.3,38,835/- was eventually released to him on 24.03.2014 after lapse of five years. Since the petitioner was aggrieved by withholding of the balance DCRG, non-payment of gratuity and non-payment of interest thereupon and with regard to illegal recovery being made from him for the machinery, which stood out in his name, he filed the present OA.No.21,1559/2015. The said OA was allowed by the learned

Tribunal by order dated 19.03.2019 whereby the learned Tribunal directed the respondents to deduct only the book value of the machinery after the deduction of depreciation. Consequently, on 21.05.2019, the Director finally paid a further sum of Rs.4,81,559/- to the petitioner.

3. Learned counsel for the petitioner has vehemently contended that despite the fact that the petitioner had retired on 31.12.2008, the gratuity was not paid to him till 24.03.2014. Even, thereafter, the full gratuity was paid to him subsequently. Therefore, the petitioner is entitled to receive interest on the gratuity amount. Therefore, the learned Tribunal was unjustified in denying him the interest on the said amount.

4. On the other hand, the learned counsel for the respondent submits that the delay in making the payment was not due to the fault of the department, but due to the fault of the petitioner himself. He was required to submit a No Demand Certificate (NDC) immediately upon his retirement. However, the said NDC was not submitted till 2014. Therefore, the petitioner is unjustified in claiming the interest upon the said amount.

5. It is, indeed, a settled principle of law that a person cannot be permitted to take the benefit of his own wrong. According to the rules of the respondent, an employee is required to submit the NDC. Admittedly, the NDC was not submitted by the petitioner till 2014. Moreover, according to the learned Tribunal, the petitioner had failed to cooperate with the Committee. Therefore, the fault lay squarely on

the shoulders of the petitioner. Hence, the petitioner is not justified in claiming that he has a right to receive interest on the gratuity amount. These two points have been noted by the learned Tribunal itself. Therefore, this Court does not find any perversity or illegality in the impugned order.

This petition, being devoid of any merit, is hereby dismissed. Pending miscellaneous petitions shall also stand dismissed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, CJ

DR. SHAMEEM AKTHER, J

August 7, 2019
DSK

