

20.06.2023
(as/akd)
Ct.No.12
07

WPCT 50 of 2023

Bijon Behari Goswami
-vs-
Union of India & Ors.

Mr. Salil Kumar Sarkar,
Mr. Surajit Datta.
...for the Petitioner.

Mr. Ranjan Kumar Sinha.
...for the Respondents.

The petitioner after serving as Sub Postmaster in the service of the respondents was due to retire on 30.11.2004 on attaining age of superannuation. On the date of retirement, disciplinary proceedings were initiated against the petitioner. After 47 days of retirement, a complaint was lodged against the petitioner. A domestic enquiry was conducted and after conclusion of the same, charges were dropped. The petitioner was not paid gratuity and pension and he was only paid provisional pension on the ground of pendency of criminal proceedings.

The petitioner approached the Tribunal by filing OA 1043 of 2019. The respondents resisted the same on the ground that as per Rule 69 of CCS (Pension) Rules, 1972 the petitioner is not entitled to gratuity and pension pending criminal proceedings. The Tribunal considering the materials placed before it rejected the

submission of the learned Counsel of the respondents and directed the respondents to release the retiral gratuity as well as final superannuation pension to the petitioner within a period of twelve weeks from the date of receipt of the copy of the order.

According to the petitioner, the respondents complied only part of the said order by paying a sum of Rs.1,44,615/- on 09.02.2023 towards gratuity. The respondents are not paying full pension to which the petitioner is entitled to and has come out with the present writ petition claiming interest on the delayed payment of gratuity and also for payment of full pension with interest.

Heard Mr. Salil Kumar Sarkar, learned Counsel for the petitioner and Mr. Ranjan Kumar Sinha, learned Counsel for the respondents. Perused the materials on record.

From the materials on record it is seen that the Tribunal by the order dated 20.05.2022 in OA 1043 of 2019 directed the respondents to pay the retiral gratuity as well as final superannuation pension to the petitioner. When there is a delay in payment of gratuity, the employee is entitled to interest at the rate of 10% p.a. for the delayed period. The petitioner retired on 30.11.2004. The gratuity was paid only on 09.02.2023. The petitioner is entitled to interest at 10% p.a. from 30.11.2004 till 09.02.2023. The respondents have not

complied with the entire order of the Tribunal directing them to release the retiral gratuity as well as the final superannuation pension to the petitioner.

The respondents have not challenged the order of the Tribunal dated 20.05.2020. The said order has become final.

In view of the same, the respondents are directed to pay arrears of pension from the date of retirement i.e. 30.11.2004 and pay interest at the rate of 6% p.a. on the arrears of pension namely, difference of full pension and the provisional pension. The respondents are further directed to pay the amount within twelve weeks from the date of receipt of a copy of this order.

With the aforesaid directions, the writ petition is allowed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(V. M. Velumani, J.)

(Rai Chattopadhyay, J.)