

Digitally
signed by
BASAVRAJ
GURAPPA
PATIL
Date:
2023.02.09
14:38:00
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1551 OF 2023

Union of India

..... Petitioner

Vs.

Jagbir Singh

..... Respondents

Ms. Neeta Masurkar for the Petitioner

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : FEBRUARY 8, 2023

P.C.

1. The Respondent had filed Original Application before the Central Administrative Tribunal (**for short “the Tribunal**) to pay interest on delayed payment of enhanced amount of gratuity. The Tribunal partly allowed the Original Application and directed the present Petitioner to pay interest on delayed payment of difference in gratuity at General Provident Fund interest rate applicable as per the Financial Year 2018-2019 and 2019-2020 for a period of 11 months and 15 days which was beyond 3 months from 14th June 2018.

2. The learned Counsel for the Petitioner strenuously contends that Rule 68 of the Central Civil Services (Pension) Rules 1972 (for

short the **Rules, 1972**) cannot be invoked in the present case. Said Rule will apply only if gratuity is payable at the time of retirement. In the present case, the gratuity was paid at the time of retirement. Subsequently, because of applicability of 7th Pay Commission, enhanced gratuity was required to be paid. Same was enhanced in September 2018. Enhanced gratuity was paid in September 2019 to the Respondent. The Tribunal erroneously relied upon Rule 68 of the Rules 1972. The learned Counsel further submits that the Office Memorandum dated 22nd January 1991 relied on by the Tribunal is not applicable to the autonomous body like the Petitioner. Even if the said Office Memorandum is read, the interest would be payable on the delayed payment of gratuity after six months and not three months, as considered by the Tribunal.

3. We have considered the submissions. It is not disputed that the 7th Pay Commission was effectuated and fixation was done, according to the Petitioner on 14th June 2018. The Tribunal considered the delayed period of three months and thereafter interest is directed to be paid for 11 months and 15 days. There was no reason for the Petitioner not to disburse the amount within a period of three months. The Tribunal has considered the provisions of Rule 68 of the Rules 1972 and also the Office Memorandum. Even otherwise, on the ground that the amount of difference in gratuity was not paid

for 14 months and 15 days, the Tribunal, after deducting three months has granted interest for 11 months and 15 days. The same appears to be reasonable and proper. No error has been committed by the Tribunal while passing the impugned order.

4. The Writ Petition is dismissed. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)