

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17889 of 2025

Bimal Kumar Singh Son of Late Ram Bilas Singh, Resident of Village and Post Office- Sheikhpur, Police Station - Ahiypaur, District- Muzaffarpur (Bihar), PIN- 842002.

... .. Petitioner/s

Versus

1. The Union India through the Secretary, Department of Posts, Government of India, Sansad Marg, Dak Bhawan, New Delhi- 110001.
2. The Director General, Department of Posts, Sansad Marg, Dak Bhawan, New Delhi- 110001.
3. The Chief Postmaster General, Bihar Circle, Meghdoot Bhawan, Patna - 800001.
4. The Postmaster General, Northern Region, Muzaffarpur, PIN - 842002.
5. The Director Postal Services (Northern Region), Muzaffarpur, PIN - 842002.
6. The Director of Accounts (Postal) Bihar, Patna G.P.O. Campus Patna - 800001.
7. The Superintendent RMS U-Dn, Muzaffarpur, PIN - 842002.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Om Prakash Singh, Advocate
For the UOI	:	Mr. Krishna Murari Prasad, CGC
		Mr. Dhiraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date : 02-12-2025

The present writ petition has been filed by the original applicant/petitioner herein against the order dated 14.11.2024 passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Ld. CAT') in OA No. 050/887/2018 whereby and whereunder it has been held that there is no culpable delay in settlement & disbursement of the DCRG, hence the applicant is not entitled for interest on the delayed payment of gratuity amount, thus the original application has been dismissed. The writ petitioner has



also challenged the order dated 21.01.2025 passed by the Ld. CAT in R.A. No. 050/ 001/2025, whereby and whereunder the review petition filed by the petitioner herein has also stood rejected.

2. The short facts of the case, according to the petitioner are that he retired from the services on 28.02.2017 while working on the post of L.S.G., Sorting Assistant at Muzaffarpur, however he was not paid the amount of gratuity due to him. It is the case of the petitioner that he was handed over a charge-sheet under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 (hereinafter referred to as the “Rules, 1965”) by the Superintendent R.M.S, U.Dn., Muzaffarpur by a memo dated 18.12.2012, containing the statement of Articles of charge framed against the petitioner as also the statement of imputation of conduct or misbehavior in support of the Article of charges framed against the petitioner. The statement of Articles of Charge is being reproduced herein below:-

Article-I

Sri Bimal Kumar Singh while working as S.A O/o the HRO "U" Dn Muzaffarpur allegedly claim LTC advance for Rs 24000/- against the LTC journey for the block year 2002-2005 in respect of his family members and allegedly submitted bogus LTC bill for Rs 27,000/- against the LTC journey purported to have performed for pecuniary gain and willfully causing substantial loss to the Department and thereby the said Sri Singh Failed to maintain



absolute integrity and acted in a manner of unbecoming of a Government servant.

Thus, the said Sri Bimal Kumar Singh is alleged to have violated the following Rules:-

(1) Violation of provision of Rule 16 (1) of CCS (LTC) Rules 1988.

(ii) Violation of provision of 3 (1) (i) and (iii) of CCS (Conduct) Rules 1964.”

3. The disciplinary proceeding had been held *qua* the petitioner, whereafter the Enquiry Officer/Presenting Officer submitted his elaborate inquiry report, whereupon the disciplinary authority i.e. the Post Master General, Northern Region, Muzaffarpur vide memo dated 24.02.2017 had, on the basis of the report of the inquiry officer dated 09.08.2016, exonerated the petitioner of the charge under Article 1 by holding that the same has not stood proved and moreover, upon considering the representation of the petitioner and the materials available on record, he had exonerated the petitioner from all the charges. Thereafter, the petitioner superannuated on 28.02.2017, however though the provisional order of payment of pension had been issued but the provisional order for payment of gratuity was not issued. In the meantime, the Chief Postmaster General, Bihar Circle, Patna vide order dated 21.04.2017 had while taking the plea that the Post Master General (N) Muzaffarpur had no jurisdiction to pass the



aforesaid order dt. 24.02.2017 exonerating the petitioner, inasmuch as the competent Authority is the DPS (N) Muzaffarpur, had directed to treat the order of the P.M.G (N) Muzaffarpur as *ab initio void* under the power conferred under Rule 29 of the Rules, 1965.

4. The petitioner had then challenged the aforesaid order dated 21.04.2017 by filing an original application bearing O.A. No. 050/00287/2017, however the learned CAT by an order dated 14.12.2017 refrained from interfering with the aforesaid order dated 21.04.2017, however had directed the respondents to expedite the matter and pass an order within four months or release the retiral benefits subject to the final outcome of the follow up action of the CPMG's order dated 21.04.2017. The said order dated 14.12.2017 was then challenged by the petitioner before this Court by filing a writ petition bearing C.W.J.C. No. 2321 of 2018, however the same was disposed of by a Co-ordinate Bench of this Court vide order dated 06.02.2018 with a direction to the competent authorities to take decision in terms of the direction of the Ld. CAT dated 14.12.2017 passed in O.A. No. 050/00287/2017 within a period of 3 ½ months. The aforesaid disciplinary proceeding had then culminated by passing of an order dated 09.08.2018 by the



Director (PG & VP), Ministry of Communications, Department of Post, Government of India, whereby and whereunder it was concluded that since the Enquiry Officer, in his inquiry report dated 09.08.2016 has held that the charge in Article 1 has not been proved and the charge against the C.O. is considered not grave enough to attract the provisions of Rule 9 of the CCS (Pension) Rules, 1972 for awarding penalty of cut in the pension and/or gratuity, the President has ordered that the disciplinary proceedings against the petitioner be dropped. At this juncture, it would be relevant to reproduce the said order dated 09.08.2018 herein below:-

ORDER

“WHEREAS, the disciplinary proceedings under Rule 14 of the CCS (CCA) Rules, 1965 were initiated against Shri Bimal Kumar Singh, Sorting Asstt. (Retd.) RMS 'U' Division, Muzaffarpur, Northern Region, Muzaffarpur Bihar Circle. Consequent to the retirement of the official on superannuation with effect from 28.02.2017 (A/N), the proceedings were continued under Rule 9 of CCS (Pension) Rules, 1972.

2. AND WHEREAS, on denial of charges, IO & PO were appointed to conduct the departmental inquiry. The inquiry was conducted as per the laid down procedures. IO had submitted his inquiry report on 09.08.2016 wherein he held the charge in Article I as not proved & the charge against the CO is considered not grave enough to attract the provisions of Rule 9 of the CCS (pension) Rules 1972 for awarding penalty of cut in the pension and/or gratuity. Therefore, there is no



justification for awarding penalty of pension cut on the basis of charge. No retirement benefits except provisional pension could be sanctioned to the retired charged official due to pendency of the aforesaid proceedings.

3. In view of the above, and in exercise of the powers vested in him under Rule 9 of CCS (Pension) Rules, 1972, the President has ordered that the disciplinary proceedings initiated against Shri Bimal Kumar Singh, Sorting Asstt. (Retd.) RMS 'U' Division, Muzaffarpur, Northern Region, Muzaffarpur, Bihar Circle by the SRM "U" Division, Muzaffarpur vide memo dated 18.12.2012 and converted into Rule 9 proceedings on his retirement with effect from 28-02-2017 (A/N) be dropped.

By order and in the name of the President."

5. The petitioner was paid gratuity to the tune of Rs.9,32,818/- on 02.8.2018 and a sum of Rs. 1,03,646/- on 4.10.2018, however interest was not paid to the petitioner, hence he filed an original application bearing O.A. No.050/887/2018 for payment of statutory interest and penal interest with effect from 01.03.2017 to 01.08.2018, in lieu of the delayed payment of the gratuity amount, however the learned CAT by the impugned judgment dated 14.11.2024 has been pleased to dismiss the said original application and thereafter, the review application filed by the petitioner bearing R.A. No.050/001/2025 has also stood dismissed by the learned CAT vide order dated 21.01.2025.

6. The learned counsel for the petitioner has at the outset, referred to Rule 68 of the CCS (Pension) Rules, 1972



(hereinafter referred to as the “Rules, 1972”), which reads as follows:-

68. Interest on delayed payment of gratuity

(1) If the payment of gratuity has been authorized later than the date when its payment becomes due, and it is clearly established that the delay in payment was attributable to administrative lapses, interest shall be paid at such rate as may be prescribed and in accordance with the instructions issued from time to time:

Provided that the delay in payment was not caused on account of failure on the part of the Government servant to comply with the procedure laid down by the Government for processing his pension papers.

(2) Every case of delayed payment of gratuity shall be considered by the Secretary of the Administrative Ministry or the Department in respect of its employees and the employees of its attached and subordinate offices and where the Secretary of the Ministry or the Department is satisfied that the delay in the payment of gratuity was caused on account of administrative lapse, the Secretary of the Ministry or the Department shall sanction payment of interest.

(3) The Administrative Ministry or the Department shall issue Presidential sanction for the payment of interest after the Secretary has sanctioned the payment of interest under sub-rule (2).

(4) In all cases where the payment of interest has been sanctioned by the Secretary of the Administrative Ministry or the Department, such Ministry or the Department shall fix the responsibility and take disciplinary action against the Government servant or servants who are found responsible for the delay in the payment of gratuity.”

7. The learned counsel for the petitioner has next referred to



the Government of India's decisions dated 11.07.1979 and 10.01.1983 which are reproduced herein below:-

(1) Admissibility of interest on gratuity allowed after conclusion of judicial/ departmental proceedings-

1. Under the rules, gratuity becomes due immediately on retirement. In case of a Government servant dying in service, a detailed time-table for finalizing pension and death gratuity has been laid down, vide Rule 77 onwards.

2. Where disciplinary or judicial proceedings against a Government servant are pending on the date of his retirement, no gratuity is paid until the conclusion of the proceedings and the issue of the final orders thereon. The gratuity, if allowed to be drawn by the Competent Authority on the conclusion of the proceedings will be deemed to have fallen due on the date of issue of orders by the Competent Authority.

3. In order to mitigate the hardship to the Government servants who, on the conclusion of the proceedings are fully exonerated, it has been decided that the interest on delayed payment of retirement gratuity may also be allowed in their cases, in accordance with the aforesaid instructions. In other words, in such cases, the gratuity will be deemed to have fallen due on the date following the date of retirement for the purpose of payment of interest on delayed payment of gratuity. The benefit of these instructions will, however, not be available to such of the Government servants who die during the pendency of judicial/disciplinary proceedings against them and against whom proceedings are consequently dropped.

4. These orders (Paragraph 3) shall take effect from the 10th January, 1983."

8. Thus, it is submitted by the learned counsel for the petitioner that since no lapse/much less laches is attributable to the petitioner, he is entitled to payment of interest on the due



amount of gratuity which was paid after considerable delay. In this connection, the learned counsel for the petitioner has harped upon paragraph no.3 of the Government of India's decisions dated 11.7.1979 and 10.1.1983 to submit that since the disciplinary proceedings had been dropped *qua* the petitioner, interest is required to be paid on the delayed payment of gratuity.

9. Per contra, the learned counsel appearing for the respondents has submitted that a bare perusal of the order dated 09.08.2018 passed by the Director (PG & VP) would show that the petitioner has not been exonerated but the disciplinary proceedings have been dropped, hence the aforesaid Government of India's notifications would not inure to the benefit of the petitioner inasmuch as the said decision clearly stipulates that in case a government servant, upon conclusion of the proceedings is fully exonerated, he may be granted interest on delayed payment of retirement gratuity, however it is submitted that in cases where the proceedings are dropped, interest on delayed payment of retirement gratuity shall not be payable.

10. We have heard the learned counsel for the parties and gone through the materials on record, the facts of the case lie in



a narrow encompass, as have already been detailed hereinabove in the preceding paragraphs, hence are not being repeated for the sake of brevity. Nonetheless, we find from the records that though the petitioner had stood exonerated in the departmental proceeding initiated against him, vide order dated 24.02.2017, however after superannuation on 28.02.2017, he was not paid the due amount of gratuity and instead vide order dated 21.04.2017, passed by the Chief Postmaster General, Bihar Circle, Patna, it was directed that the order dated 24.02.2017, exonerating the petitioner, passed by the P.M.G (N) Muzaffarpur be treated as *ab initio void*. Thereafter, the departmental proceeding in question had stood converted into Rule 9 of the Rules, 1972, nonetheless the Director (PG & VP) vide order dated 09.08.2018 had dropped the said proceedings. It would be relevant to point out here that in the said order dated 09.08.2018 itself, it has been mentioned that the Enquiry Officer had submitted inquiry report on 09.08.2016, after conducting an inquiry, wherein it has held that Charge Article-1 is not proved, thus the charge against the petitioner was considered not to be grave enough to attract the provisions of Rule 9 of the Rules, 1972 so as to warrant awarding penalty of cut in the pension and/or gratuity, thus the President had ordered that the



disciplinary proceedings initiated against the petitioner be dropped. Therefore, it is amply clear that the charge levelled against the petitioner, as specified in Article-1, has not stood proved, resulting in dropping of the disciplinary proceedings, which in effect amounts to exoneration of the petitioner of the charge levelled against him.

11. Yet another aspect of the matter is that in a challenge made by the petitioner to the aforesaid order dated 21.04.2017, holding the order of exoneration dated 24.02.2017 to be *ab initio void*, before the learned CAT in O.A. No. 050/00287/2017, the learned CAT, vide order dated 14.12.2017 had directed the respondents to either pass an order within four months or release the retiral benefits subject to the final outcome of the follow up action of the CPMG's order dated 21.04.2017. The petitioner had then challenged the said order on 14.12.2017 before this court by filing a writ petition bearing C.W.J.C. No. 2321 of 2018, which was disposed of by a Co-ordinate Bench of this Court vide order dated 06.02.2018 with a direction to the competent authorities to take decision in terms of the direction of the Ld. CAT dt. 14.12.2017 within a period of 3 ½ months. However, neither the final order was passed by the respondents nor the gratuity amount was paid to the petitioner



within the stipulated time frame, as fixed either vide the Ld. CAT's order dated 14.12.2017 or by this Hon'ble court's order dated 06.02.2018, which definitely goes to show the administrative lapses on the part of the respondents, hence there is no iota of doubt that the present case would be covered by Rule 68 of the Rules, 1972 and the aforesaid Government of India's decisions dated 11.07.1979 and 10.01.1983.

12. Now, we would like to dwell upon the law pertaining to beneficial rule of interpretation, which means that if a statute/ Rule/Government decision, particularly the ones related to the welfare of the employees, has got two possible interpretations, the one which benefits the employees should be adopted and for the said purpose the law should be interpreted broadly to achieve the intended purpose of protecting and providing benefits to the employees, even if it means going beyond the strict, literal meaning of the text, since the ultimate goal is to ensure that an employee is not denied a benefit intended by law. In this regard, we would refer to a celebrated judgment rendered by the Hon'ble Apex Court in case of ***Hindustan Lever Ltd. vs. Ashok Vishnu Kate & Ors.***, reported in ***1995 (6) SCC 326***, para nos. 41 to 43 thereof are reproduced herein below:-

“41. In this connection, we may usefully turn to the



decision of this Court in Workmen v. American Express International Banking Corpn. [(1985) 4 SCC 71] wherein Chinnappa Reddy, J. in para 4 of the Report has made the following observations: (SCC p. 76)

“The principles of statutory construction are well settled. Words occurring in statutes of liberal import such as social welfare legislation and human rights’ legislation are not to be put in Procrustean beds or shrunk to Lilliputian dimensions. In construing these legislations the imposture of literal construction must be avoided and the prodigality of its misapplication must be recognised and reduced. Judges ought to be more concerned with the ‘colour’, the ‘content’ and the ‘context’ of such statutes (we have borrowed the words from Lord Wilberforce’s opinion in Prenn v. Simmonds [(1971) 3 All ER 237]). In the same opinion Lord Wilberforce pointed out that law is not to be left behind in some island of literal interpretation but is to enquire beyond the language, unisolated from the matrix of facts in which they are set; the law is not to be interpreted purely on internal linguistic considerations. In one of the cases cited before us, that is, Surendra Kumar Verma v. Central Govt. Industrial Tribunal-cum-Labour Court [(1980) 4 SCC 443] we had occasion to say, Semantic luxuries are misplaced in the interpretation of ‘bread and butter’ statutes. Welfare statutes must, of necessity, receive a broad interpretation. Where legislation is designed to give relief against certain kinds of mischief, the Court is not to make inroads by making etymological excursions.”

42. Francis Bennion in his Statutory Interpretation Second Edn., has dealt with the Functional Construction Rule in Part XV of his book. The nature of purposive construction is dealt with in Part XX at p. 659 thus:

“A purposive construction of an enactment is one which gives effect to the legislative purpose by—

(a) following the literal meaning of the enactment



where that meaning is in accordance with the legislative purpose (in this Code called a purposive-and-literal construction), or

(b) applying a strained meaning where the literal meaning is not in accordance with the legislative purpose (in the Code called a purposive-and-strained construction).”

At p. 661 of the same book, the author has considered the topic of “Purposive Construction” in contrast with literal construction. The learned author has observed as under:

“Contrast with literal construction.— Although the term ‘purposive construction’ is not new, its entry into fashion betokens a swing by the appellate courts away from literal construction. Lord Diplock said in 1975: ‘If one looks back to the actual decisions of the [House of Lords] on questions of statutory construction over the last 30 years one cannot fail to be struck by the evidence of a trend away from the purely literal towards the purposive construction of statutory provisions’. The matter was summed up by Lord Diplock in this way—

... I am not reluctant to adopt a purposive construction where to apply the literal meaning of the legislative language used would lead to results which would clearly defeat the purposes of the Act. But in doing so the task on which a court of justice is engaged remains one of construction, even where this involves reading into the Act words which are not expressly included in it.”

43. Following the aforesaid rule of construction, therefore, we must hold that the interpretation of Item 1 of Schedule IV of the Maharashtra Act as canvassed by the learned counsel for the appellant and the intervenors would frustrate the very scope and ambit of the Maharashtra Act, in effectuating the prevention of the alleged unfair labour practice. While on the other hand, if a wider interpretation is placed on the relevant



provisions of Item 1 of Schedule IV, as discussed earlier, apart from not straining the language which even may become permissible on the rule of purposive construction, the said construction would fructify the very purpose for which the Maharashtra Act was enacted.”

13. It would be apt to refer to a judgment rendered by the Hon’ble Apex Court in the case of ***State of Rajasthan and Others Vs O.P. Gupta***, reported in ***2022 (18) SCC 382***, paragraph no.27 whereof is reproduced herein below:-

“It is settled law that when financial rules framed by the Government such as Pension Rules are capable of more interpretation than one, the courts should lean towards that interpretation which goes in favour of the employee.”

14. In case of ***Madan Singh Shekhawat Vs. Union of India and Others***, reported in ***1999 (6) SCC 459***, the Hon’ble Apex Court has beautifully summed up the aforesaid proposition of Law. The relevant paragraphs of the said Judgment being paragraph nos. 15 to 18 are being reproduced herein below:-

“15. It is the duty of the court to interpret a provision, especially a beneficial provision, liberally so as to give it a wider meaning rather than a restrictive meaning which would negate the very object of the rule.

16. In Seaford Court Estates Ltd. v. Asher [(1949) 2 All ER 155] Lord Denning, L.J. (as he then was) held:

“[W]hen a defect appears a judge cannot simply fold his hands and blame the draftsman. He must set to work on the constructive task of finding the intention of Parliament, ... and then he must supplement the written word so as to give ‘force and life’ to the



intention of the legislature. ... A judge should ask himself the question how, if the makers of the Act had themselves come across this ruck in the texture of it, they would have straightened it out? He must then do as they would have done. A judge must not alter the material of which the Act is woven, but he can and should iron out the creases.”

17. This rule of construction is quoted with approval by this Court in M. Pentiah v. Muddala Veeramallappa and also referred to by Beg, C.J. in Bangalore Water Supply & Sewerage Board v. A. Rajappa and in Hameedia Hardware Stores v. B. Mohan Lal Sowcar .

18. Applying the above rule, we are of the opinion that the rule-makers did not intend to deprive the army personnel of the benefit of the disability pension solely on the ground that the cost of the journey was not borne by the public exchequer. If the journey was authorised, it can make no difference whether the fare for the same came from the public exchequer or the army personnel himself.”

15. At this juncture, we would like to refer to yet another celebrated judgment rendered by the Hon’ble Apex Court in case of ***D.S. Nakara vs Union of India*** reported in **1983 (1) SCC 305**, paragraph no.20 thereof is reproduced herein below:-

“20. The antequated notion of pension being a bounty, a gratuitous payment depending upon the sweet will or grace of the employer not claimable as a right and, therefore, no right to pension can be enforced through Court has been swept under the carpet by the decision of the Constitution Bench in Deokinandan Prasad v. State of Bihar wherein this Court authoritatively ruled that pension is a right and the payment of it does not depend



upon the discretion of the Government but is governed by the rules and a government servant coming within those rules is entitled to claim pension. It was further held that the grant of pension does not depend upon anyone's discretion. It is only for the purpose of quantifying the amount having regard to service and other allied matters that it may be necessary for the authority to pass an order to that effect but the right to receive pension flows to the officer not because of any such order but by virtue of the rules. This view was reaffirmed in State of Punjab v. Iqbal Singh.”

16. It is a well settled law that the rule of liberal construction of a beneficial or social welfare legislation is too well entrenched in the Indian jurisprudence to be subjected to any debate or demur. In this regard reference be had to a judgment rendered in the case of ***Workmen of American Express International Banking Corporation Vs. Management of American Express International Banking Corporation***, reported in ***1985 (4) SCC 71*** wherein the Hon'ble Apex Court has observed as follows:-

“4. The principles of statutory construction are well settled. Words occurring in statutes of liberal import such as social welfare legislation and human rights' legislation are not to be put in Procrustean beds or shrunk to Lilliputian dimensions. In construing these legislations the imposture of literal construction must be avoided and



the prodigality of its misappropriation must be recognized and reduced. Judges ought to be more concerned with the 'colour', the 'content' and the 'context' of such statutes (we have borrowed the words from Lord Wilberforce's opinion in Prenn v. Simmonds). In the same opinion Lord Wilberforce pointed out that law is not to be left behind in some island of liberal interpretation but is to enquire beyond the language, unisolated from the matrix of facts in which they are set; the law is not to be interpreted purely on internal linguistic considerations. In one of the cases cited before us, that is, Surendra Kumar Verma v. Central Government Industrial Tribunal-cum-Labour Court, we had occasion to say, Semantic Luxuries are misplaced in the interpretation of "bread and butter" Statutes. Welfare statutes must, of necessity, receive a broad interpretation. Where legislation is designed to give relief against certain kinds of mischief, the Court is not to make inroads by making etymological excursions."

17. Thus, we find that payment of pensionary benefits including gratuity is not a bounty or a gratuitous payment depending upon the sweet will or grace of the employer, nor the payment thereof depends upon the discretion of the Government but is governed by the rules, which in the present case definitely provides for payment of interest on gratuity in case delay in payment of the same is on account of administrative lapses as also in case the Government servant is



fully exonerated on conclusion of the disciplinary proceeding and the delay in payment of retirement gratuity has taken place on account of pendency of the said disciplinary proceeding. In this regard reference be had to Rule 68 of the Rules, 1972 read with Government of India's decisions dt. 11.07.1979 and 10.01.1983.

18. As regards the contention of the ld. counsel for the respondent no. 1 to the effect that interest on delayed payment of retirement gratuity would be payable only in cases where the employee has stood fully exonerated in the departmental proceedings and not to those in whose cases proceedings have been dropped, we find that first of all the present case is a case where the petitioner has definitely stood exonerated & secondly it is apparent from a bare perusal of the Government's decisions dt. 11.07.1979 and 10.01.1983 that only in cases of Government servants who die during the pendency of the judicial/disciplinary proceedings and against whom proceedings are consequently dropped, interest on delayed payment gratuity would not be paid, however the present case is not a case where the petitioner has died, thus the only meaning which can be attributed to the Government's decision, as aforesaid is that interest is required to be paid to the petitioner on the delayed



payment of retirement gratuity, inasmuch as the delay, which has been caused in payment of the retirement gratuity to the petitioner, is wholly attributable to the administrative lapses on the part of the respondents & the correct interpretation of Rule 68 of the Rules, 1972 read with the aforesaid two Government's decisions, which are beneficial provisions, would be to interpret the same liberally and give them a wider meaning rather than a restrictive meaning which would negate the very object of the said provisions and would consequently not provide any benefit to any employee.

19. Lastly, we would like to refer to a similar case which has been decided by the learned Division Bench of the High Court of Allahabad, vide judgment dt. 10.05.2013, passed in C.M.W.P. No.19509 of 2005, reported in **2013 SCC Online All 13237 (Ram Roop Parasar Vs. C.A.T, Allahabad through its Chairman and Others)**. In this case also the issue involved was regarding applicability of Rule 68 of the CCS (Pension) Rules, 1972 as also of the Government of India's decisions dated 11.07.1979 and 10.01.1983, to the writ petitioner of the said case, who was claiming interest on delayed payment of gratuity on the ground of disciplinary proceedings having been dropped. The relevant paragraphs of the said judgment rendered by the



Hon'ble Allahabad High Court being paragraph nos. 21 and 22,
the same are being reproduced herein below:-

“21. In view of the above Rule 68 of the 1972 Rules, and the Decisions/Instructions of the Government of India in respect of the said Rule, it is evident that in case the delay in payment of gratuity was attributable to administrative lapses, interest is required to be paid to the employee concerned. It is further evident that in case disciplinary proceedings are going on against the employee concerned and the same conclude in fully exonerating the employee concerned, then interest on delayed payment of retirement gratuity would be allowed in his case, and for the payment of such interest, the gratuity would be “deemed to have fallen due on the date following the date of retirement”.

22. The Tribunal in its order dated 1.11.2004 has referred to Rule 68 of the Pension Rules, 1972 and has held that as in case of the petitioner, the disciplinary proceedings were dropped and the case of the petitioner was not a case of the petitioner being fully exonerated, no interest was payable to the petitioner under Rule 68. The Tribunal was evidently relying upon sub-para (3) of para (1) of the Decisions/ Instructions of the Government of India in respect of Rule 68, as mentioned above. The Tribunal has emphasized that there is distinction between the full exoneration in disciplinary proceedings and dropping of the disciplinary proceedings. In our view, the Tribunal has not correctly appreciated the import of the order dated 11.2.2002 passed by the Commissioner, Central Excise, Kanpur. From a reading of the entire order dated 11.2.2002, particularly, paragraph 6 thereof, it is evident that while dropping the proceedings against the petitioner and other persons, the Commissioner, Central Excise, Kanpur relied upon the Advice of the Central Vigilance Commission, whereby the Central Vigilance Commission advised the exoneration of



the petitioner and other three persons. Thus, the Commissioner, Central Excise, Kanpur by the said order dated 11.2.2002 dropped the proceedings against the petitioner and other three persons accepting the advice given by the Central Vigilance Commission regarding exoneration of the petitioner and other three persons. Hence, the distinction sought to be made by the Tribunal between the dropping of disciplinary proceedings and the full exoneration in the disciplinary proceedings, does not exist in the present case. In the circumstances, we are of the opinion that the Tribunal ought to have considered on merits the question of payment of interest to the petitioner on account of delayed payment of gratuity in the light of the aforesaid Rule 68 of the 1972 Rules and the Decisions/Instructions of the Government of India in respect of the said Rule, particularly sub-paras (2) & (3) of para (1) of the Decisions/Instructions, as quoted-above.”

20. In the present case also, it is apparent from the order dated 09.08.2018 passed by the Director (PG & VP), Ministry of Communications, Department of Post, Government of India that the prime consideration for dropping the proceedings qua the petitioner herein was that the Enquiry Officer vide his Inquiry report dated 09.08.2016 had held that the charge in Article-1 is not proved, hence it was found that there was no justification for converting the proceedings into Rule 9 of the CCS (Pension) Rules 1972 or for awarding penalty of cut in pension and/or gratuity. It may be significant to mention here that in the said order dated 09.08.2018 itself, it has been categorically noted that no retirement benefits except provisional pension could be



sanctioned to the retired charged official due to pendency of the aforesaid proceedings.

21. Having regard to the facts and circumstances of the case and for the foregoing reasons, we find that the impugned orders dated 14.11.2024 and 21.01.2025, passed by the Ld. CAT in OA No. 050/887/2018 and R.A. No.050/001/2025 are not sustainable in the eyes of law being contrary to law, hence are set aside.

22. The respondents are directed to make payment of the interest on delayed payment of retirement gratuity to the petitioner at such rate as is prescribed and in accordance with the instructions issued from time to time, as mandated under Rule 68 of the CCS (Pension) Rules, 1972, within a period of three months from today.

23. The writ petition stands allowed.

(Mohit Kumar Shah, J)

(Soni Shrivastava, J)

Harsh/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	25.12.2025
Transmission Date	N/A

