

25.11.2025
Item No.3
Ct. No. 1
KS

WP.CT 306 of 2024

Manik Ganguly
Vs.
Union of India & Ors.

Mr. Mahadev Ghosh
Mr. Arun Kr. Paul
Mrs. S. P. Chowdhury
.....For the Petitioner
Mr. Atarup Banerjee
Ms. Ranjana Chatterjee
.....For the Union of India

PER, SUJOY PAUL, ACJ.:

1. Parties are represented through their respective learned counsels.
2. Heard on admission.
3. This petition filed under Article 226/227 of the Constitution of India impugns the order of Tribunal dated 24.03.2023 passed in O.A. No.350/2030/2021 whereby singular prayer of petitioner for grant of interest for delayed payment of gratuity was rejected by the Tribunal.
4. Learned counsel for petitioner, at the outset, fairly submits that the singular prayer of petitioner is that he retired on attaining the age of superannuation on 31.07.2015 and gratuity was paid to him by order dated 02.12.2021. In the meantime, although, a departmental enquiry was pending and ended with imposition of

punishment of deduction of 5% from basic pension by the order, fact remains that there was a delay in conducting and concluding the enquiry. Thus, petitioner is entitled to get interest on delayed payment of the gratuity. He submits that there exists a Railway Board Circular, pursuant to which an employee must get his retiral dues within a reasonable time.

5. Counsel for Department, on the other hand, supported the order.
6. We have heard the parties at length. The main contention of learned counsel for petitioner is that after the departmental enquiry, the enquiry report was sent to the President on 23.02.2016 but, final decision was taken on 26.02.2020. Thus, for this delay, the petitioner is entitled to get gratuity.
7. We have heard the learned counsel for parties.
8. The Tribunal in paragraph nos.9 and 10 of the judgment opined as under:-

“9. In the speaking order dated 03.12.2021, the respondents have stated that after the penalty of “withdrawing 5% of the monthly pension for a period of one year” was imposed upon Shri Manik Ganguly. His DCRG bill amount of Rs.70,5009/- was sent to associate finance dated 04.06.2021. However, the same could not be passed as deduction of 5% from basic pension was not adjusted. Hence, a letter dated 12.07.2021 was issued to Shri Manik Ganguly for conveying his agreement of deduction of Rs.15,600/- (i.e. 5% of basic pension of Rs.26,000/- p.m. for one year). However, Shri Manik Ganguly did not reply to the said letter. Only when a reminder was sent to him on 01.09.2021, Shri Manik Ganguly gave his consent on 22.11.2021. Based on this consent, his DCRG bill dated 26.11.2021 was sent by his

office to the Finance Department and the same was finally passed on 02.12.2021 and the amount was, therefore, paid to his bank account.

10. DCRG amount was, therefore, paid to Shri Manik Ganguly (the applicant) after a period of seven months from the issue of the order imposing penalty upon him which was more than the period of 03 months as prescribed in RBE No.76/91 (Para 21(i)(c). However, the marginal delay was due to delay on the part of Shri Manik Ganguly in giving his consent as mentioned in Para 9 above."

9. The Tribunal has taken into account the disciplinary case against the applicant, which ended with punishment of withholding of 5% of monthly pension for a period of one year. The petitioner did not challenge the punishment order before the Tribunal. After the punishment order, the Department acted with quite promptitude. The DCRG bill was sent to the Finance Department on 04.06.2021. Thereafter, requisite undertaking was required to be given to the petitioner for which a letter was sent to him on 12.07.2021 but petitioner responded to the same when second letter was sent to him. After receiving his consent letter, the Finance Department passed final order.
10. Considering this factual matrix, the learned Tribunal, opined that no case is made out for grant of interest. In our considered opinion, the Tribunal has taken a plausible view in the factual background of the present matter, which does not warrant any interference. Interference is declined.
11. Accordingly, petition is dismissed.

12. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)