
(1998) 01 SC CK 0107

In the Supreme Court Of India

Case No : Civil Appeal No. 476 of 1998 Arising out of SLP (C) No. 19553 of 1995

Union of India (UOI) and Another

APPELLANT

Vs

K. Balakrishna Nambiar

RESPONDENT

Date of Decision : 27-01-1998

Acts Referred:

Citation : AIR 1998 SC 2958 : (1998) AIRSCW 2721 : (1998) LabIC 2993 :
(1998) 2 SCC 706 : (1998) SCC(L&S) 719

Hon'ble Judges : S. Saghir Ahmad, J;S. C. Agrawal, J;A. P. Misra, J

Bench : Full Bench

Final Decision : Allowed

Judgement

1. Delay condoned.
2. Special leave granted.
3. The respondent has not appeared even though served.
4. We have heard Shri N.N. Goswami, the learned Senior Counsel appearing for the appellants. The matter relates to payment of death-cum-retirement gratuity to the respondent who unauthorisedly retained the government accommodation after his retirement. By the impugned judgment the Central Administrative Tribunal (hereinafter referred to as "the Tribunal") has directed the appellants to pay the amount of gratuity with interest @ 7% from 30-12-1989 for a period of 9 months and thereafter, @ 10% until realisation within three months from the date of communication of the order. Shri Goswami has submitted that interest was not payable to the respondent in respect of the period he was in unauthorised occupation of the government accommodation and for a period of one month after the vacation of the accommodation and has placed reliance on the order dated 4-12-1995 passed by this Court in Union of India v. S.V Ramtoke, SLP(C) No. 14609 of 1995 decided on 4-12-1995. In view of the said decision of this Court, the impugned order passed by the Tribunal is modified and it is directed that interest would not be payable by the appellants to the

respondent on the amount of Rs 23,888.00 for the period the respondent was in unauthorised occupation of the government accommodation and the period of one month after his vacating the same. The appeal is disposed of accordingly. No costs.