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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2420/1999

New Delhi this the 20th day of July, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri D.K.Sharma,
S/O late Sh.Birender Kumar Sharma
360-A, New Railway Colony,
Tundla,
lastly served at Tundla.

(By Advocate Shri R.C. Dubey)

.. Applicant

Versus

1. General Manager,
Northern Railway, Baroda House,
New Delhi.
2. Divisional Rail Manager,
Northern Railway,
Allahabad.
3. Divisional Traffic Manager,
Tundla, Northern Railway,
Tundla.

(By Advocate Shri B.S. Jain)

.. Respondents

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicant, who has retired on superannuation from service with the respondents w.e.f. 31.3.1994 has filed this application praying for a direction to the respondents to release ^{the 1/2} withheld gratuity due to him with interest.

2. The brief relevant facts of the case are that the applicant was working as Guard at Tundla. He states that after his retirement, he had applied for retention of the quarter. That request was allowed upto 30.11.1994.

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During this period, the respondents have admittedly withheld his gratuity as he had not vacated the Govt. quarter. Shri R.C.Dubey, learned counsel has drawn my attention to — the order passed by the respondents dated 29.11.1995 (Annexure A-4). It is seen from this order, that the competent authority had accorded the approval for the regularisation of the Railway quarter which was earlier allotted to the applicant, in favour of his son, who was in the meantime appointed with the Railways in accordance with the relevant rules. He has submitted that, in the meantime, before the competent authority had passed ~~the~~ order for regularisation of the railway quarter in the name of the applicant's son, certain eviction proceedings have been initiated by the respondents, which have now become ineffective in view of the order of ~~the~~ regularisation.

3. It is seen from the Tribunal's order dated 30.6.2000 that the gratuity of the applicant ~~which~~ had been earlier withheld because of overstay in the Govt. accommodation, which has subsequently been regularised, as mentioned above. A submission had been made by Shri B.S. Jain, learned counsel that the gratuity has already been paid to the applicant. As this fact had been denied

by the applicant's counsel on the previous date, Shri B.S. Jain, learned counsel had sought time to produce the documents in proof of payment.

4. Today when the case was taken up for hearing, Shri Jain, learned counsel has submitted that he had made a number of attempts to contact the respondents to enable him to produce the aforesaid relevant documents. He has submitted that he has also telephonically contacted the concerned officer at Allahabad for this purpose. However, learned counsel has submitted that he has not been able to produce the relevant documents showing the actual payment of the gratuity amount paid to the applicant in accordance with the rules today, and has sought more time. Taking into consideration the above facts and circumstances of the case, and in particular the fact that the applicant had retired from service as far back as 31.3.1994, regularisation of the aforesaid quarter in the name of the applicant's son and the efforts made by the learned learned counsel for the respondents to conclude the matter, it was not considered necessary to adjourn the matter again for the same purpose.

5. In the facts and circumstances of the case, the OA is disposed of with a direction to the respondents

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to pay the withheld amount of gratuity to the applicant within one month from the date of receipt of a copy of this order in accordance with the Rules and law. The applicant shall also be entitled to interest in accordance with the Railway Servants (Pension) Rules, 1993, after regularisation of the railway quarter in the name of the applicant's son at the rates prescribed therein. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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