

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

M.A. No. 2777 of 1995 In  
R.A. No. 302 of 1995 In  
O.A. No. 1730 of 1994

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New Delhi this the 29th day of January, 1996

**HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)**

Union of India

1. General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. Divisional Superintending  
Engineer (Estates)  
Northern Railway,  
D.R.M.'s Office,  
Chelmsford Road,  
New Delhi. Petitioners

By Advocate Shri K.K. Patel

Versus

1. Shri Hari Singh  
S/o Shri Ghanshyam Singh  
R/O Quarter No.1/5, Lodi Colony,  
New Delhi.
2. Shri Kishan Dutt  
S/o Shri Hari Singh  
R/o Quarter No.1/5 Lodhi Colony,  
New Delhi. ..Respondents

Respondent No.1 in person.

**ORDER (ORAL)**

**HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)**

Shri K.K. Patel, Counsel appears for the petitioners in the Review Application and Shri Hari Singh appears for the respondents.

2. This Review Application is directed against the order of the Tribunal passed on 10.07.1995 in O.A. No. 1730 of 1994. The prayer in the Review Application is to set aside the order of the Tribunal <sup>passed</sup> in the aforesaid O.A. to the extent that the present petitioners were directed

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to pay 12% interest per annum till the date of payment/ <sup>of gratuity</sup> from one month after the date of retirement. The petitioners in the Review Application has also filed M.A. No. 2777 of 1995 seeking condonation of delay in filing the Review Application. In the light of the grounds adduced in the M.A. No. 2777 of 1995, the MA is allowed and delay in filing the ~~condonation~~ application is condoned.

3. In the Review Application the petitioners have stated that in pursuance of the Railway Board's order dated 15.1.1990, the petitioners had to withhold the DCRG till the vacation of the Railway Quarter and the withheld amount of gratuity was held in cash and soon after the respondents vacates the quarter, the amount will be payable. The said order of the Railway Board has also been notified as Rule 16(8) of the Railway Services Pension Rules, 1993, which are statutory rules. By the order of the Apex Court in the S.L.P. No.23317 of 1995 filed by the applicant in O.A. No. 1730 of 1994, the Apex Court had ordered the vacation of the Railway Quarter by 31.12.1995. The respondent states that he had already vacated the Railway quarter on 29.12.95. In view of this, the respondents are to release the gratuity in terms of the aforesaid Rule 16(8) of the Railway Services Pension Rules, 1993. In any case in terms of the aforesaid statutory rules, the interest is not payable from the date of retirement, as earlier ordered. In view of this, the Review Application

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is allowed and the order in the Original Application is modified as under:-

"The respondents are directed to pay an amount of DCRG less the amount of rent payable to him under the law".

  
(K. MUTHUKUMAR)  
MEMBER (A)

RKS