

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.333/1995 OA No.1933/1994

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New Delhi, this 5th day of January, 1996

Hon'ble Shri B.K. Singh, Member(A)

1. Shri M.G. Mehta
2. Shri Rajeev Mehta
Both r/o Qr.No.112/A-C, Thomson Road
New Delhi .. Applicants

By Shri S.K. Sawhney, Advocate

versus

Union of India, through

1. General Manager
Northern Railway
Baroda House, New Delhi

2. The Divisional Railway Manager
Northern Railway
DRM Office, Chelmsford Road, New Delhi

3. Divl. Supdt. Engineer (Estate)
Northern Railway, New Delhi .. Respondents

ORDER(in circulation)

This RA 333/95 in OA No.1933/94 is directed against
the order dated 21.11.1995.

2. The prayer in the OA was to quash the order dated 7.9.94 by which applicant was assessed rent of the quarter to which he was not entitled. The quarter allotted to the father was not regularised in his son's name. Therefore there is nothing wrong in the judgement. The son was allotted an alternative accommodation. If the quarter of the retiring father had been regularised, the matter would have been completely different. The second prayer in the OA was to direct the respondents to recover rent for Type III quarter from applicant No.2 after the retirement of applicant No.1 on 31.3.92. This relief also could not

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(X)

be granted because applicant No.2 was not entitled to that quarter. The father could have retained it as per rules for four months on payment of normal rent and another four months on double the normal rent and after that he became unauthorised occupant and the respondents are well within their right to charge damage rent as per rules and instructions.

3. As regards gratuity, instructions are clear. Para 16(8) of the Railway Servant(Pension) Rules 1993 clearly lays down that gratuity will be drawn and kept in cash and will not be released to the retiring railway servant till he vacates the quarter. This being so, this relief could not have been granted to the applicant in view of the rule position. In the review application nothing new has been stated which was not stated either in the OA or in the rejoinder and in the course of the arguments. I do not find any factual or legal error manifest on record to warrant review of that order nor is there any other important or new piece of evidence available with the applicants which can change the dimension of the judgement. In view of this, this RA is summarily rejected under order 47, Rule 4(1) of the CPC.



(B.K. Singh)
Member(A)

/gtv/