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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 1128 of 1995

New Delhi, this the 22nd day of December, 1997

Hon'ble Mr. N. Sahu, Member (Admnv)

Shri U.M.Sharma (Retd) CDM(S&T),  
Northern Railway Head Quarters,  
Baroda House, New Delhi-110 003  
Resident of CD-78, DDA Flats,  
G.8 Area, Hari Nagar, New Delhi  
-110 064

-APPLICANT

(By Advocate - Shri D.R.Roy)

Versus

1. Union of India, Through the  
Secretary, Railway Board,  
Railway Bhawan, New Delhi  
-110 001.

2. General Manager, Northern  
Railway, Baroda House,  
New Delhi - 110 003

-RESPONDENTS


(By Advocate - Shri B.K. Aggarwal)

Oral Judgment

By Mr. N. Sahu, Member (Admnv)-

A direction was given on 16.9.1997 for filing of a copy of the final order of the Pension Adalat, a calculation sheet promised to be filed on three earlier occasions relating to the amount of gratuity payable and actually paid; and details of deductions in respect of the house building advance. In spite of several opportunities, the respondents have not filed the details. The learned counsel for the respondents states that he had informed the concerned official but he has not been able to elicit any response so far.

2. The simple relief prayed for in this case is for a direction to the respondents to pay to the



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applicant the balance of DCRG amount showing complete particulars of calculations along with interest. It is submitted by the applicant's counsel that he had rendered 31 years of service and the last pay drawn by him was Rs.2600/-. According to the calculation prescribed by the statute he should get Rs.40,300/- by way of DCRG. Against this amount he was paid Rs.14,231/- on 16.12.1993. The respondents claim by their letter dated 6.8.1997 that they have withheld Rs.15,775/- on account of house building advance. They have also withheld Rs.10,294/- on account of foreign service contribution. Both these amounts aggregate to Rs.26,069/-.

3. This calculation is vehemently contested by the applicant. In order to prove that the respondents are wrong the learned counsel for the applicant submitted that the respondents have realized their mistake and on 11.11.1997 they have remitted back Rs.9,204/- attributable to excess recovery on account of foreign service contribution.

4. Be that as it may, the learned counsel for the applicant has placed before me a copy of the details of house building advance of the applicant, who worked as Head Translator, which was deducted and remitted to FA&CAO, Northern Railway, Baroda House, New Delhi. The deductions relate to the period from September, 1984 to July, 1987. The aggregate works out to Rs.8,890/-. Shri Roy states but Shri Aggarwal

denies that a copy of the statement has been handed over to him. Shri Roy shall hand over a copy of this calculation in the Court to Shri Aggarwal.

5. With the above facts on record, the following direction is given to the respondents : within a period of four weeks from the date of receipt of a copy of this order the respondents shall compute and notify - (i) the total amount of DCRG payable and paid; (ii) the amount of house building advance deducted and the balance payable by the applicant. The applicant states that Rs.8,890/- having been recovered and as per the admission of the respondents Rs.13,208/- principal amount of HBA plus interest having been held to be payable, only a sum of less than Rs.5,000/- only needs to be recovered. This shall be verified.

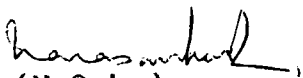
6. The respondents are expected both under instructions as well as a matter of policy to verify from their record and the records of the IRCON the amount of house building advance deducted. This is an elementary duty that an employer owes to an employee who retired after rendering 31 years of service. They have failed to do so and unfortunately the matter kept on lingering for a pretty long time. Within a period of four weeks mentioned above, these deductions of house building advance as explained by the applicant and a copy of which is being handed over to the counsel for the respondents, shall be verified; the additional amount of recovery computed and deducted; and the balance of DCRG shall be paid with an interest of 18%

*[Handwritten signature]*

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per annum from the date it is held due and payable  
along with the principal. The O.A. is disposed of  
with the above directions. No costs.

  
(N. Sahu)  
Member (Admnv)

rkv.