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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

O.A.No.188 of 1995

Dated New Delhi, this 17th day of May, 1996.

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

Smt. Taro Devi
W/o Late Shri Prakash
Railway Quarter No.181/1
Railway Colony
Delhi Kishanganj
DELHI.

... Applicant

By Advocate: Shri B. N. Bhargava

versus

1. Union of India, through
The General Manager
Northern Railway
Baroda House
NEW DELHI.
2. The Divisional Railway Manager
Northern Railway Division, Bikaner.
BIKANER (Rajasthan).
3. The Health Inspector
Northern Railway Station
Delhi Sarai Rohella. ... Respondents

By Advocate: Shri O. P. Kshatriya

O R D E R (Oral)

Mr K. Muthukumar, M(A)

Heard the learned counsel for the parties.

The matter being relatively a short one, is being disposed of at the admission stage itself by the following order.

The applicant who is a widow of a retired Railway servant, had been granted pension by the Pension Payment Order which is enclosed with the

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application as Annexure A-1. After retirement apparently, the deceased employee had continued in the railway accommodation and he died on 16.7.1995. His gratuity has not been settled by the Railways simply because he had not vacated the quarter after retirement. The learned counsel for the applicant submits that the applicant being not fully aware of the things, has come to know that the gratuity is held up only for want of vacation of the quarter. The learned counsel also submits that the applicant is prepared to vacate the quarter by 31.5.95 and, therefore, prays that the dues in respect of the deceased Railway servant may be directed to be paid to the applicant.

The learned counsel for the respondents says that in accordance with the extant rules on the subject, gratuity will be settled immediately after the vacation of the quarter after adjusting the dues to be recovered from the aforesaid gratuity towards damages. The learned counsel for the applicant says that adjustment of any penal or damage rent is not acceptable. This issue has to be contested separately.

In view of the above, respondents are directed to give a speaking order in regard to the

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dues that are recovered from the gratuity of the deceased Railway servant after intimation of the vacation of the quarter, within a period of one month from the date of receipt of a copy of the intimation of vacation of the quarter by the applicant.

The learned counsel for the applicant submits that he will verify about the pension accounts with the Bankers. Admittedly, the Bank has opened the Family Pension Account in favour of the widow of the deceased Railway servant, but the same has been updated only upto August, 1995. The learned counsel for the applicant agrees that he will specifically instruct his client to have the Family Pension account updated by the Bank. In case, the Bank has not acted in the matter of crediting further family pension from time to time, the respondents are directed to give suitable instructions to the ~~Bank~~ ^{Bank} ~~applicant~~ in this behalf.

With the above observations and directions, the O.A. is finally disposed of. No order as to costs.


(K. Muthukumar)
Member(A)