

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2392/1996

New Delhi this the 4th day of April, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Smt.Krishna Sareen
W/o Shri Ripu Daman Sareen
R/o Q-504, Anupam Apartments
East Arjune Nagar
Delhi-110032

... Applicant

(None for the applicant)

-versus-

1. The Union of India
(Through General Manager)
Northern Railway
Baroda House
New Delhi-110 001.
2. The Manager
Punjab National Bank
Bengali Market
New Delhi-110001
(Only Proforma Res)

... Respondents

(None for the respondents)

O R D E R (ORAL)

Shri V.K.Majotra, AM:-

Parties and their Advocates are absent. We proceed to dispose of the OA on merits in their absence in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The applicant retired on 30.11.1986 from the post of Superintendent Pay Commission in the office of the General Manager, Northern Railway, New Delhi, Respondent No.1. She did not vacate the Railway

Quarters No.D-38, College Lane, New Delhi till 1.8.1991. As per Annexure A-2 dated 4.7.1991, the Estate Officer, Northern Railway served a notice on the applicant to vacate the quarters and also called upon her to show cause by 22.7.1991 why damages of Rs.81,372/- together with interest be not recovered from her. Her basic pension was fixed at Rs. 1375/-. Recovery was also made from the same with effect from July 1996 onwards. She has sought a direction to the respondents to stop recovery or deductions from her pension and to pay her due gratuity with interest at market rate. As per the counter of the respondents, the applicant who retired on 30.11.1986 had been paid all her settlement dues in time except gratuity. It could not be paid to her as she was in occupation of the Railway Quarters. She vacated the same on 1.8.1991. Her gratuity amounting to Rs.45,375/- was adjusted against the outstanding dues but still an amount of Rs.40,393/- remained outstanding against her. The applicant was asked to deposit the same. She failed to do so. As such the recovery was ordered from the pension relief.

3. As per extant instructions, applicant was permitted to retain the Railway Quarters vide letter dated 10.9.1991, Annexure R-1 on the following terms:-

"1. 1.12.1986 to 31.3.1987 on normal rent
2. 1.4.1987 to 31.7.1987 on double of
normal rent.

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3. 1.8.1987 to 31.3.1989 on 5 times of normal rent or 10% of total emoluments which is higher.
4. 1.4.1989 to 31.5.1991 on Rs.1559/- P.M.
5. 1.6.1991 to 1.8.1991 on Rs.3118/- P.M."

In addition to the above rents, water charges for 1.8.1997 to 1.8.1991 at the rate of Rs.25.50/-per month, safai charges for the same period at the rate of Rs.4/-per month, lawn charges at the rate of Rs.7.32 per month from 1.12.1986 to 31.7.1987 and at the rate of Rs.60/- per month from 1.8.1987 to 1.8.1991, we are shown as payable. The electricity charges amounting to Rs.34,419/- as per letter dated 25.8.1995, Annexure R-II, we are also shown as recoverable. The total amount calculated on the aforesaid basis comes to Rs. Rs.93,768 against which the gratuity amount of Rs.45,375 was adjusted. According to the respondents, applicant's basic pension was fixed at Rs.1271/- with effect from 1.12.1986 and not at Rs.1375/-as per PPO Annexure R-III. After adjusting the gratuity amount against her dues vide letter No.724E/13079/EIII-Sett.dated 15.2.1996, the applicant was asked to deposit the outstanding amount of Rs.48,393/-. However, there was no response from the applicant. The respondents decided to recover the outstanding dues from applicant's pension relief as per para 16(6) of Pension Manual 1993 and Railway Board's letter dated 20.9.1985, Annexure R-V.

5. We have perused the material on record. Para 16(6) of the Pension Manual reads as follows:-

"16(6). The recovery of licence fee for the occupation of the Government accommodation beyond the permissible period of four months after the date of retirement of allottee shall be the responsibility of the Directorate of Estates. Any amount becoming due on account of licence fee for retention of Government accommodation beyond four months after retirement and remaining unpaid licence fee may be recovered by the Directorate of Estates through the concerned Accounts Officer from the dearness relief without the consent of the pensioner. In such cases no dearness relief should be disbursed until full recovery of such dues have been made.

NOTE: For the purpose of this rule, the licence fee shall also include any other charges payable by the allottee for any damage or loss caused by him to the accommodation or its fittings."

The applicant had been allowed retention of the Railway Quarters vide Annexure R-I on the terms indicated therein and reproduced above. Recovery of such dues from the gratuity of pensioner is quite in order. The calculation made by the respondents of various dues ~~from her gratuity~~ is also correct. After adjusting the gratuity amount, the applicant was required to pay the balance amount of Rs.48,393/-. The respondents are within their rights to recover the same from her dearness relief even without her consent.

6. Having regard to the above discussion, we find

the OA devoid of any merit. Accordingly the same is dismissed without any order as to costs.

Majotra

(V.K.Majotra)
Member(A)

Ashok Agarwal

(Ashok Agarwal)
Chairman

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