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Central Administrative Tribunal  
Principal Bench, New Delhi.

OA-1062/96

New Delhi this the 10th day of September, 1996.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Sh. Gopesh Chaturvedi,  
S/o Sh. Charan Lal,  
R/o BG 35-D, Paschim Vihar,  
New Delhi-110063.

Applicant

(through Sh. J. K. Bali with Sh. Rajat Bali, advocate)

versus

1. Union of India  
through General Manager,  
Western Railway,  
Churchgate, Bombay.

2. Sr. Accounts Officer  
(FTS Office/DKA)  
Western Railway,  
Shakurbasti, New Delhi.

Respondents

(through Sh. Romesh Gautam, advocate)

ORDER (ORAL)

The grievance of the applicant in this case is with regard to the letter <sup>issued B</sup> ~~passed~~ by the respondents dt. 2.5.96 in which they have requested him to deposit the amount of Rs.43,274/- (Rs. Forty Three Thousand Two Hundred Seventy Four only) which was due from him on account of unauthorised retention of railway accommodation beyond the permissible limit within a fortnight, failing which they have stated that they would take <sup>B</sup> ~~an~~ action to ~~effect~~ the recovery of the said amount from his pension-DA-relief in suitable instalments.

2. After hearing the learned counsel for both the parties, they have submitted that this O.A. may be disposed of as per agreed terms. The learned

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counsel for the applicant has taken the consent of the applicant who is present in court for the following order and the learned counsel for the respondents has also consulted the departmental representative Sh. A. K. Sharma, Accounts Asstt. who is also present in court.

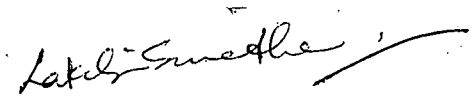
3. This is <sup>the</sup> third round of litigation of the applicant, the previous two being OA-948/94 decided on 6.7.94 & OA-2219/94 decided on 17-1-95. Sh. Bali, learned counsel for the applicant at the outset fairly conceded that the applicant is not disputing that the amount of Rs.43,274/- towards payment of house rent, electricity charges is due from him in respect of his occupation of railway accommodation No.109/7, Thompson Road, New Delhi after his retirement on 31.7.93 till he vacated the quarter on 8.7.95. However, he has submitted that legally this amount cannot be attached from the relief in pension. He relies on the decision of the Hon'ble Supreme Court in the case of Beni Prasad Vs. U. O. I. (1987(3)ATC 545). He further submits that the applicant agrees to pay the respondents 15% of his pension which includes DA & other reliefs in pension, every month towards payment of the <sup>due</sup> amount of Rs.43,274/- (Rs. Forty Three Thousand Two Hundred Seventy Four only). It is also noted that the respondents have not agreed to write off the amount due from the applicant under para-1071 of I.R.E.M. which they say is not relevant to the facts and circumstances of the present case.

4. Having regard to the facts and circumstances and with the consent of both the parties, this O.A. is disposed of with the following directions:-

- (i) The applicant to pay the respondents 15% of his pension which includes DA
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and any other relief in pension, every month towards payment of the amount of Rs.43,274/-, which he agrees may be deducted by the respondents from the pension etc. due to him every month before paying him the balance amount;

- (ii) When the amount so due has been paid up, the respondents shall restore the entire amount of pension plus other reliefs as due to the applicant forthwith;
- (iii) The respondents shall not attach or recover any other amount from the applicant's pension, including DA or any other relief on pension other than the above.
- (iv) The parties to bear their own costs.

  
(Smt. Lakshmi Swaminathan)  
Member (J)

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