(24)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1633/97
with
O.A.No.1567/97

New Delhi this the 22 Day of October, 1998

Hon'ble Mr. R.K. Ahooja, Member (A)

O.A. No. 1633/97

Shri R.S. Chauhan,
Retired Assistant,
Under Director,
Indian Agricultural Statistics Research
Institute (IASRI),
Pusa, Library Avenue,
New Delhi.
Quarter No. 9,
Type III, Krishi Niketan,
Paschim Vihar,
New Delhi.,

Applicant

(By Advocate: Shri B.S. Mainee)

-Versus-

1. The Secretary to the
Govt.of India,
Ministry of Agriculture,
Krishi Bhawan,
New Delhi - 110 001.

2. The Director General,
Indian Council of Agricultural Researech (ICAR),
Krishi Bhavan,
New Delhi.

3. The Director,
Indian Agricultural Statistics Research,
Institute (IASRI),
Pusa, Library Avenue,
New Delhi-110 012.

Respondents

(By Advocate: Shri V.K. Rao)

and

O.A. No. 1567/97

Shri G.N. Bahuguna,
Retd. Scientist,
Quarter No. 90,
Type IV, Krishi Niketan,
Paschim Vihar,
New Delhi.

Applicant

(By Advocate: Shri B.S. Mainee)

-Versus-

1. The Secretary to the
Govt. of India,
Ministry of Agriculture,
Krishi Bhavan,
New Delhi-110 001.

(25)

2. The Director General,
Indian Council of Agricultural Research (ICAR),
Krishi Bhavan,
New Delhi.

3. The Director,
Indian Agricultural Statistics Research
Institute (IASRI),
Pusa, Library Avenue,
New Delhi-110 012. Respondents

(By Advocate: Shri V.K. Rao)

ORDER

Since both the OA Nos. 1633/97 and 1567/97 have similar facts and circumstances and raise similar questions for decision, they are being disposed of by this common order.

2. The applicants are aggrieved by the action of the respondents to withhold their retirement benefits on the ground that they had failed to vacate the official quarter allotted to them on the expiry of the period of extension after the date of their superannuation from the service of the respondents. During the pendency of the OA, all the retiral benefits were paid to the applicants after deducting the amount of damage rent due from them till the date of vacation of the quarter. The present dispute is thus limited to the payment of interest on the delayed payment of retiral benefits.

3. I have heard the counsel on both sides. The respondents have failed to show any provision in the Rules that retirement benefits can be withheld by the respondent Institute pending the non vacation of the allotted quarter. The Hon'ble Supreme Court has also held in R. Kapur vs. Director of Inspection (Printing &

Publication) Income Tax & Another, 1994(2) ATJ 679 that Pension and Gratuity cannot be withheld on the ground of unauthorised occupation of Government accommodation.

4. Accordingly the O.A.s are allowed to the extent that the respondents would pay 18% interest on the delayed payment of gratuity and pension to the applicants. No interest would, however, be paid on delayed payment of leave encashment. The direction to pay the interest will be implemented within three months from the date of issue of a copy of this order.

No order as to costs.

(R.K. Ahooja)
Member(A)

Mittal

(संजीव कुमार)
(SANJEEV KUMAR
वरिष्ठ निजी सहायक/Sr P
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रधान न्यायपीठ, फरीदकोट हाऊस
Principal Bench, Faridkot House
नई दिल्ली/New Delhi-110001