

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 278/97

in

O.A. No. 435/97

New Delhi this the 22nd Day of April 1998.

O.A. No. 278/97

Ms. Jagunath Kumari,
W/o Shri K.B. Singh,
R/o 2237 Lodhi Complex,
New Delhi.

Applicant

(By Advocate: Ms. Sumedha Sharma)
Versus

1. Union of India,
Through its Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. Superintendent Engineer/Asstt. Engineer,
Asstt. Engineer to Superintendent Engineer,
Delhi Central Zone-8
Central Public Works Department
Sena Bhawan, R.K. Puram,
New Delhi-110006
3. The Project Manager,
Mehrauli, B.M.A. Project,
C.P.W.D., New Delhi
(By Shri K.C.D. Gangwani, Advocate) Respondents

O.A. No. 435/97

Ms. Jagunath Kumari
W/o Shri K.B. Singh
R/o 2237 Lodi Complex,
New Delhi.

Applicant

(By Ms. Sumedha Sharma, Advocate)

Versus

1. Union of India,
Through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.
2. Assistant Directors of Estates,
Nirman Bhawan,
New Delhi.
3. Engineer Asstt. to Superintending Engineer,
Delhi Central Zone-8,
C.P.W.D.,
Sena Bhawan, RK Puram,
New Delhi
(By Shri KCD Gangwani, Advocate) Respondents

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When the matter had come up for final hearing,
the following order was dictated in Court.

"Both the O.As since they involve the same question, are being disposed of by this common order.

2. The applicant's husband who was serving as a LDC with the respondents was reported missing on 10.7.90. After the police reports were lodged the applicant also informed the Department. Thereafter the respondents sanctioned a pension to the applicant. The applicant has come before the Tribunal aggrieved by the fact that the respondents have not released the gratuity amounting to Rs. 18,000/- and GPF amount to Rs. 14,000/- due to her husband, even though she was a nominee to receive the same.

3. The respondents in reply have stated that the applicant is liable to pay to damage rent for— her over-stay in Government accommodation. This amounts to Rs. 51,252/-. Till this payment is made the respondents cannot finalise the case of release of gratuity.

4. I have heard the counsel. The respondents cannot withhold the GPF dues of the applicant even if recovery can be made from the gratuity. In view of this position the respondents are directed to release the GPF due to the applicant with 12 per cent interest till the date of actual payment. This should be done within three months of the receipt of a copy of this order. The respondents may, if they so wish separately take such action as permissible under the rules for recovery of the damage rent from the gratuity of the applicant.

5. The O.A. is disposed of with above directions. No Costs".

Sd/-
(R.K. Ahooja)
Member (A)

Before signing the order I felt that a clarification, was required on the question as to whether gratuity can be withheld in part or in whole for recovery of dues pertaining to Government accommodation, in view of the fact that gratuity is part of the pension as per

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Rule 3(i)(o) of the CCS Pension Rules, 1972.

The OA was accordingly was re-heard on 3.4.1998. My attention was then drawn to Rule 80(4) of the Pension Rules which read as follows:

(4) The Head of Office shall draw the attention of the Accounts Officer to the details of Government dues outstanding against the deceased Government servant, namely, --

Rule 80-A. (c) reads as follows:

(c) after issue of the sanction letter he shall

(i) the amount of the provisional family pension; and

(ii) the amount of hundred per cent of the gratuity after deducting therefrom the dues mentioned in clause (b), in the same manner as pay and allowances of the establishment are drawn by him.

It is clear from a reading of Rule 80 as well as Rule 80-A reproduced above that recovery on account of Government accommodation can be made from the gratuity of the deceased Government servant. In view of this position, I confirm my earlier order dated 2.2.1998 reproduced above. The final directions are, however, repeated again in order to avoid any ambiguity.

Para 4 is reproduced:

4. I have heard the counsel. The respondents cannot withhold the GPF dues of the applicant even if recovery can be made from the gratuity. In view of this position the

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respondents are directed to release the GPF due to the applicant with 12 per cent interest till the date of actual payment. This should be done within three months of the receipt of a copy of this order. The respondents may, if they so wish separately take such action as permissible under the rules for recovery of the damage rent from the gratuity of the applicant.

R.K. Ahooja
(R.K. Ahooja)
Member (A)

Mittal