

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1215/94

New Delhi, This the 27th Day of September 1994

Hon'ble Shri P.T.Thiruvengadam, Member(A)

1. Smt. Phoola Devi W/D Late Shri Fateh
Singh r/o 178/B2, Basant Lane,
New Delhi.

2. Shri Balbir Singh
9/o Late Shri Fateh Singh
r/o 178/B2, Basant Lane
New Delhi.

...Applicants

By Shri D S Mehandru, Advocate

Versus

1. Union of India
Through
Chief Engineer (Const)
Northern Railway,
Hq. Quarter Office
Kashmere Gate,
Delhi.

2. Sr.D.P.O.
Office of D.R.M.
Northern Railway
State Entry Road
New Delhi.

3. DSE/Estates
Office of D.R.M.
Northern Railway
State Entry Road
New Delhi.

...Respondents

By Shri H.K.Gangwani, Advocate
Shri K K Patel, Advocate

O R D E R (oral)

Hon'ble Shri P.T.Thiruvengadam, Member(A)

1. MA 1691/94 for joining is allowed.
2. Applicant No.1 is the widow of the deceased
Fateh Singh who was employed as a Ferro Typist
in the Delhi Division of Northern Railway.
Applicant No.2 is the son of deceased Fateh Singh.
Husband of applicant No.1 died on 17.7.86 and
at the time of his death was in occupation of
Type I quarter No.178/B2 Basant Lane, New Delhi.
Applicant No.2 was appointed on compassionate
basis and took over as callman at Tughlakabad on
14.3.87. He applied for the regularisation
of the quarter which was under occupation

of his father.

3. It is admitted that the conditions for out of turn allotment are fulfilled and applicant No.2 was eligible for consideration for out of turn consideration for Type I quarter. However, as regards the regularisation of the same quarter under the possession of the family it is noted that applicant No.2 was working at Tughlakabad and employees of Tughlakabad are eligible for allotment from Tughlakabad pool and not from the pool from which his ~~father~~ had been allotted a quarter. The respondents have also allowed the applicant No.2 to continue to live in the old accommodation pending allocation of out of turn quarter from Tughlakabad pool. Ultimately after representation from the applicant the same quarter at Basant Lane, New Delhi was regularised in the name of the applicant No.2 vide letter dated 26.7.94.

4. It is the contention of the learned counsel for the respondents that such a regularisation is itself an act of special consideration since the two pools of quarters are different. The applicant has also been shown sympathy by allowing to retain the earlier accommodation on normal rent. Hence the respondents oppose the payment of any interest on gratuity as claimed by the applicants in this OA.

5. However, the learned counsel for the applicant insisted on interest on the late release of gratuity and it was mentioned by him that the gratuity is yet to be released.

6. I note that this DA is filed for the release of gratuity on the death of Shri Fateh Singh and for interest on gratuity at the time of payment. Departmental instructions provide for the holding back of the gratuity till the government accommodation is vacated. Applicant No.2 did not have a claim for the regularisation of the quarter at Basant Lane, New Delhi since he has been working in a different unit. The respondents have chosen to regularise the same in 1994. ^{an} which is itself act of special consideration. The gratuity thus becomes due only from the decisions date of issue of regularisation of accommodation i.e. from 26.7.94. Normally the gratuity should be released within three months time from this date. In this case it is expected of the respondents that they should release the gratuity amount less any Governmental dues as per rules before 25.10.94. Any delay after this date in payment of this amount should include interest of 12% p.a. beyond 25.10.94.

7. With the above direction the DA is disposed of. No costs.

P. T. Thiru

(P.T.THIRUVENGADAM)
Member (A)
27-9-94

LCP