

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA 948/94

New Delhi, this 6th day of July, 1994

Shri C.J. Roy, Hon'ble Member (J)

Shri Gopesh Chaturvedi  
s/o Shri Charan Lal  
r/o Q.No.109/7, Thomson Road  
New Delhi

.. Applicant

By Advocate Shri Anis Suhrawardy

Versus

General Manager  
Western Railway, Church Gate  
Bombay

Senior Accounts Officer  
(FTS Office/LKA)  
Western Railway  
Kishanganj, New Delhi

.. Respondent

By Advocate Shri Romesh Gautam

ORDER (oral)

This OA is filed by the applicant for quashing of the Annexure A-1 letter dated April, 94, by which he has been asked to vacate the quarter No.109/7, Thomson Road, quashing of guidelines restricting the period of occupation only to 4 months after retirement as also for the release of retiral benefits. He has also prayed for interim relief, which has not been granted to him so far.

2. The applicant was allotted the above said quarter while he was in service with the Respondent. After his retirement he was allowed to retain the quarter upto 30.11.93. He had to undergo bypass surgery on 18.5.93 and was advised complete rest and he was allowed to retain the quarter upto 31.3.94 on medical grounds, in response to his representation dated 3.1.94. Since he has not vacated the quarter after 31.3.94, he has been issued with the impugned Annexure A-1 letter and hence this OA claiming the above relief.

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3. Shri Romesh Gautam, counsel argued this case on behalf of the respondents and drew my attention to a case of similar nature under similar circumstances.

4. I find from Annexure A-1 letter dated April, 1994 that the applicant was allowed to retain the quarter upto 31.3.94 and further advised to vacate failing which his retiralbenefits will not be released and damage rent at market rate will be charged for unauthorised occupation.

5. I have heard both the parties and I intend issuing the following direction to the respondents.

6. Within three months from the date of receipt of this order, the respondents are directed to pay all the retiral benefits to the applicant and as soon as he receives the amount, the applicant is simultaneously directed to vacate the impugned quarter. This three-month period is given to him to enable him to take rest so that he would be able to make a move. The respondents are also given liberty to recover the rent for the quarter as per extant rules.

The OA is thus disposed of. No costs.

*Just*  
(C.J. Roy)  
Member (J)

/tvg/