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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

DA No.1360 of 94

New Delhi, dated this 10th day of October, 1994.

HON'BLE MR. B.K. SINGH.

Mrs. M. Sharma,
W/o late Shri K.K. Sharma,
Retired Matron Gr.II,
Northern Railway Central Hospital,
New Delhi
R/o 174-A1, Railway Colony,
Basant Lane,
New Delhi. ... Applicant.

By Advocate: Shri S.K. Sawhney.

Versus

1. Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Supdtg. Engineer (estate),
Northern Railway,
D.R.M. Office,
New Delhi. Respondents.

By Advocate: Shri K.K. Patel.

ORDER (Oral)

Hon'ble Mr. B.K. Singh.

Sh. S.K. Sawhney for the applicant and
Heard the learned counsel/Shri K.K. Patel
for the respondents. It is admitted by the parties
that the applicant retired on 30.4.1992. She was
entitled to retain the quarter on normal licence
fee for 4 months and for another 4 months on double the
licence fee. The period of normal licence fee
expired on 21.12.1992. It is not disputed that
she has been staying in the quarter on the plea
~~xxxxxxx~~-that D.C.R.G. has not been released alongwith
other retirement benefits. The learned counsel for

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the applicant relied on 2 judgements - one is of Hon'ble Supreme Court in the case of Union of India vs. Shiv Charan decided in the special leave Petition (C)No.881 of 1990 on 23.4.1990. The operative portion of the judgement is that the respondent should release the entire amount due to the applicant less the amount mentioned hereinafter.

"that the officer will handover the possession of the quarter and the authorities will pay the retiral benefit due to him after adjusting the rent due ~~to~~ as per provisions contained in Rule 7 of the P.P.E. Act, 1971.

He has also placed before the Bench a copy of the judgement delivered by Mr. B.N. Dhondiyal, Member (A), by relying on the decision of the Hon'ble Supreme Court, in OA No.1582 of 1990 delivered on 5th September 1994. The operative portion of this is contained on page 3 of the order in para (i) and (ii) as under:

- (i) The applicant shall hand over the possession of the railway quarter to the respondents latest by 5th October, 1994 and the entire amount due and owing to the applicant, less the amount mentioned hereinafter, will be handed over by the Officer taking possession then and there.
- (ii) Rent for the period overstayed may be deducted from the payment to be made as aforesaid. The respondents will be entitled to make claim in accordance with law to which they are entitled to make claim for any excess or penal rent. Similarly, the applicant will be at liberty to make any claim for compensation in appropriate forum. No costs.

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These judgements also squarely cover the case of the present applicant. The directions given in (i) and (ii) above will hold good for this case. The rent for the period for the applicant's over-stay may be deducted from the payment to be made to him according to law. The applicant also be at liberty to raise any claim of compensation in any appropriate forum. The applicant is directed to vacate the quarter within one month from the date of receipt of this order and the D.C.R.G. and other dues may be paid after deducting the rent for over-stayal according to law. With these directions, this OA is disposed of. There will be no order as to costs.


(B.K. SINGH)
MEMBER (A)

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