

(7)

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. NO.2550/2000

New Delhi this the 7th day of December, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI M.P.SINGH, MEMBER (A)

K.N.Seth S/O U.P.Seth,
R/O 113-B, Regency Park-1,
DLF Phase-IV,
Gurgaon.

... Applicant

(By Shri P.S.Mahendru, Advocate)

-versus-

1. Union of India through
Chairman, Railway Board,
Rail Bhawan, New Delhi.
2. General Manager,
Northern Railway, Baroda House,
New Delhi.
3. Executive Engineer (G),
Hd.Qrs. Office, Northern Railway,
Baroda House, New Delhi.
4. D.S.E./Estate,
Office of D.R.M., Northern Railway,
State Entry Road,
New Delhi. ... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Present OA contains diverse reliefs. They are as follows :

"(i) Quash the impugned order dated 10-07-2000.

(ii) Direct the respondents to release the DCRG of the applicant which has been illegally with-held by the respondents.

(iii) Direct the respondents to fix the pension of the applicant at Rs.9750/-, which should be the last pay drawn, and revise the pension as already calculated and pay the arrears as per the revised pension.

(iv) Direct the respondents to pay interest on the above amounts.

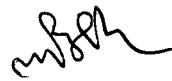
(v) Allow costs of these proceedings in favour of the applicant."

2. The impugned order of 10.7.2000 provides that retention by the applicant of the service quarters for the period 1.4.1998 to 3.1.2000 was unauthorised and damage rent and other charges are to be recovered and the same cannot be waived off. The said order is impugned by prayer clause (i). By prayer clause (ii) a grievance is made regarding withholding of gratuity which is an independent claim not arising out of prayer clause (i). By prayer clause (iii) a prayer is made to direct the respondents to fix the pension of applicant at Rs.9750/-, a claim which is entirely independent of the aforesaid two prayers. Present OA, in the circumstances, we find, suffers from the vice of multifariousness.

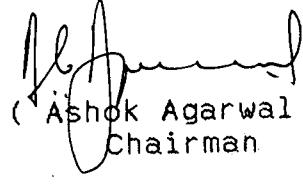
3. Applicant retired from service on superannuation on 31.7.1997. He had been granted eight months' retention of the quarters as per rules, i.e., four months from 1.8.1997 to 30.11.1997 on payment of flat rate of licence fee, and further four months from 1.12.1997 to 31.3.1998 on medical grounds on payment of special licence fee, i.e., double the standard rates, as per rules. Period after 31.3.1998, i.e., from 1.4.1998 to 3.1.2000, when the applicant vacated, has been treated as unauthorised occupation entailing payment of penal rent. In our view, the order which has been passed is as per rules. The same cannot be successfully assailed. Aforesaid prayer clause 8(i), in the circumstances, we find, is liable to be rejected even on merits.



4. Present application, in the circumstances, is rejected in limine, however, with liberty to applicant to pursue his prayers contained in clauses 8(ii) and (iii) by preferring independent OAs, if so advised.


(M.P. Singh)

Member (A)


(Ashok Agarwal)
Chairman

/as/

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