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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1185/89

New Delhi this 13th May, 1994

CORAM:

Hon'ble Mr. S.R.Adige, Member(A)

Shri Om Parkash Saxena,
s/o Shri Bau Lal, aged 60 years,
r/o 126/4, Railway Colony,
Kishan Ganj, Delhi,
Retired Driver Gr.B,
Locoshed, Shakoorbasti

By Advocate Shri S.K.SawhneyApplicant.

Versus

1. Union of India, through
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Senior Divisional Personnel Officer,
Northern Railway,
Chalmsford Road,
New Delhi

By Advocate Shri P.S.Mahendru.....Respondents.

JUDGMENT

In this application, Shri O.P.Saxena, a retired Driver, Northern Railway has prayed for payment of DCRG Rs.45,012/-, together with interest at the rate of 18% p.a. thereon w.e.f. 1.4.87 upto the date of payment.

2. From the averments, made by both the parties it appears that the applicant superannuated on 31.3.87. At that time he was in occupation of a railway quarter. As the applicant did not vacate the said quarter within permissible period, his DCRG was withheld for adjustment against recovery of Govt. dues, which were not exactly known at that time. Meanwhile, as the applicant had a son

who was also employed in the railway, efforts were being made by him to get the railway quarter in his son's name. In this connection, the applicant and his son filed O.A.No.1327/87 which was decided on 28.11.88 by which the respondents were directed to allot a Type I quarter to the applicant as soon as it became available, and the respondents were also directed not to evict the applicant or his son from the existing quarter, subject to payment of normal rent, as per extant rules.

3. Admittedly, a Type I quarter was allotted to the applicant's son on 6.2.89 and upon the applicant vacating the existing quarter on 27.2.89, DCRG was released to the applicant on 29.5.89 after adjusting the penal rent due from the applicant for retaining the quarter from 1.4.87 to 27.2.89.

4. During hearing Shri Sawhney urged that in the background of the Tribunal's judgment dated 28.11.88 (Supra) the applicant was entitled to refund of the penal rent adjusted against his DCRG.

5. Shri Mahendru, learned counsel for the respondents rightly pointed out that this is an entirely new relief. No such relief was prayed for in the O.A. nor was an M.A. filed to include this relief also inspite of the lapse of many years, and such a prayer for relief could not be considered at this stage.

6. There is merit in what Shri Mahendru states. Although Shri Sawhney argued that this relief was not new and was included in the relief originally prayed for viz. release of DCRG in actual fact it constitutes an entirely new relief, which was not prayed for in the O.A. nor by way of an M.A. inspite of the passage of so many years.

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7. Under the circumstances, this O.A. is dismissed as infructuous leaving it open to the applicant to make a prayer for any separate relief (not prayed for earlier in the O.A. or in an M.A.) through a fresh O.A. in accordance with rules, if so advised.

S.R. Adige
(S.R. ADIGE)
MEMBER(A)

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