

7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA NO. 2045/89

DATE OF DECISION: 25.5.1990

SHRI BALWANT SINGH

APPLICANT

SHRI B.S. MAINEE

ADVOCATE FOR THE APPLICANTS

VERSUS

UNION OF INDIA & OTHERS

RESPONDENTS

SHRI O.N. MOOLRI

ADVOCATE FOR THE RESPONDENTS

CORAM:

THE HON'BLE MR. T.S. OBEROI, MEMBER (J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

J U D G E M E N T

(Delivered by Hon'ble Shri T.S. Oberoi, Member (J))

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

25.5.90

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In this DA, filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant, who retired as a Superintendent from the Office of Loco Foreman, Sarai Rohilla, Northern Railway, New Delhi, has the grievance that, after his retirement from the said post w.e.f. 31.3.1988, and having been granted the permission to stay in the quarter No. 140-B, Loco-Shed, Sarai Rohilla Colony, Delhi upto 30.9.1988, but having overstayed in the said quarter upto 24.4.1989, he has been made to pay the penal rent in respect of the said quarter, in spite of the fact that payment of the full Death-cum-Retirement Gratuity (DCRG) had not been allowed to him till 9.1.1990, the date on

which the cheque was despatched to the applicant, without any interest having been allowed thereon, and thus he has been unduly made to suffer on this account. In other words, while he has been made to pay penal rent in respect of the said quarter, in respect of the period beyond the sanctioned period, the amount of DCRG has been unduly withheld, for the said period, though as per rules, the amount of retirement benefits ought to have been paid to him immediately after his retirement.

2. In the counter filed on behalf of the respondent, the plea taken by them is that as the applicant did not produce 'No Claim Certificate', the respondents were within their rights to withhold the full amount of DCRG, and thus, the grievance of the applicant is unfounded and hence the OA deserves to be dismissed.

3. We have carefully considered the rival contentions, as briefly mentioned above. The facts and circumstances of each case have their own importance, and keeping the facts involved in the present case in view, we order as under:-

- i) The applicant shall be paid interest on the full amount of DCRG, withheld by the respondents, from 29.4.1989, the date of vacation of the quarter, upto the date of despatch of the cheque of DCRG, i.e. 9.1.1990, @ 12%.
- ii) The applicant shall also be liable to pay rent, double the rate of normal assessed rent, for the period from 1.10.1988 to 29.4.1989.

10

iii) We refrain from making any directions with regard to the passes, as the period for which the same are concerned, viz. 1989 has since elapsed. This, however, shall not affect the year 1990 onwards.

The OA No. 2045/89 is disposed of. There shall be no orders as to the costs.

*[Signature]*  
(I.K. Rasgotra)  
Member (A)

*[Signature]*  
(T.S. Oberoi)  
Member (J)