

OA 443 of 1989  
17.3.89

Babhati Ram Vs. U.O.I.

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Shri B.S. Mainee, counsel for the applicant.

None present on behalf of the respondents in spite of receipt of notice. As such, the case is being decided on merit.

The learned counsel for the applicant has given an undertaking that the applicant would vacate the quarter on or before 31.5.1989. The respondents are directed to pay him all his dues, including gratuity, by that time. It is further directed that the Railways would recover the normal rent payable for the house in occupation of the applicant and they will not charge any penal rent or damages because the Railways have also unauthorisedly withheld the full gratuity, although Rule 323 of the Manual of Railway Pension Rules 1950 lays down that the amount withheld should not exceed 10% of the gratuity or Rs. 1,000.00, whichever is less. In the circumstances, the application is disposed of with the directions that (i) the applicant will vacate the quarter on or before 31.5.1989 and no further time would be allowed to him; (ii) the respondents would make full payment of gratuity as admissible to him deducting only the normal rent for the house and not any penal rent. There will be no orders on payment of interest on delayed payment of gratuity. The payment will be made before 31.5.1989. *The Railways shall also issue him pass as admissible.*

*B.C. Mathur*  
(B.C. Mathur)  
Vice-Chairman