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In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. RA-218/93 In
CA-313/89

Date: 18.8.93

Shri Surinder Kumar Applicant

Versus

Union of India Respondents

CORAM: Hon'ble Mr. J.P. Sharma, Member (Judl.)

1. To be referred to the Reporters or not?

(Judgement by Hon'ble Mr. J.P. Sharma,
Member)

The review applicant has sought review of the judgement dated 23rd March, 1993 passed in CA-313/89 annexing copies of certain documents passed in other applications by the Principal Bench. He has also moved MP-1991/93 for condonation of delay supported by an affidavit.

2. Keeping in view the grounds taken in the affidavit by the Clerk of the Counsel, we have no reason to disbelieve the averments made therein. The delay in filing the R.A. is condoned on the grounds mentioned in the M.P.

3. The applicant retired from active service as Airconditioning Coach Incharge, Northern Railway, on 30.9.1986. He did not vacate the railway quarter 225/2, Delhi Kishen Ganj, Delhi, in spite of his retirement. He

remained in unauthorised occupation of the same. Orders under P.P.E. Act, 1971 were passed against him. When the application was filed on 15.2.1989, the order of the Estates Officer was stayed, directing not to evict the applicant from the aforesaid premises. The O.A. had been disposed of with the direction that the gratuity due to the applicant less the rent due till the eviction of the quarter, be paid to him. The claim for interest was disallowed in view of the authority of Shri Raj Pal Wahi and Others Vs. Union of India & Ors., SLP No. 7688-91/88 decided on 27.11.1989.

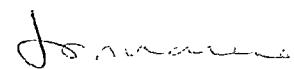
4. In this review application, no specific ground has been taken to point out any error apparent on the face of the judgement. Only certain arguments which were discarded during the course of the hearing, have been reiterated, enforcing the same with certain decisions given by the Principal Bench in some other cases of retired employees, i.e., Mandev Singh Kapur Vs. Union of India, OA-2119/90 decided on 26.8.1991 and V. Samuel Vs. Union of India, OA-2807/91 decided on 8.5.1992.

5. I have gone through the judgements annexed with the R.A. The decision in the present case has been based on the authority of Union of India Vs. Shiv Charan decided

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by the Hon'ble Supreme Court, reported in A.T.C. 1992,
Vol.19, p.129. The retention of the railway quarter
by a retiree railway employee has no link with the
payment of DCRG. The retiree employee has no right
to retain the railway quarter after retirement and
similarly, the Railways have no right to ~~retain~~ the
~~quarter~~ withhold the
DCRG. On the above ratio, the application has been
disposed of. There is no error apparent on the face
of the judgement. The R.A. is, therefore, without
force and is dismissed.



(J.P. Sharma)
Member (J) 18-8-93