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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

REGN.NO. CCP 67/92 in  
OA 935/89

DATE OF DECISION: 20th July, 1992.

Ranjit Singh Aluwalia & anr. ... Petitioners.

Versus

Shri M.K. Rao, General Manager,  
Northern Railway, New Delhi. ... Respondent.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.  
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioners. ... Shri S.K. Sawhney,  
Counsel.

For the Respondent. ... Shri P.S. Mahendru,  
Counsel.

ORDER (ORAL)

(Hon'ble Mr. Justice V.S. Malimath,  
Chairman)

The clear effect of the judgement of the Tribunal is that the first petitioner became entitled to receive the withheld gratuity amount within a period of one month from 8.8.1991, the date of the judgement, and if not paid within that date, the interest @ 18% per annum till the date of actual payment. The respondents have calculated the interest on the gratuity amount as Rs.5794/- upto 2.6.1992. As the first petitioner is entitled to interest @ 18% per annum upto the date of actual payment, the respondents are bound to pay the entire amount of withheld gratuity with interest @ 18% per annum from 8.8.1991 till the date of actual payment of the said amount to the first petitioner. The respondents are not entitled to recover either normal rent or penal rent from the

first petitioner. The first petitioner retired on 31.5.1988 and the dispute regarding regularisation after that date was between petitioner No.2, on the one hand and the administration on the other. Hence, whatever may be the liability to pay rent is to be paid by the second petitioner. So far as the first petitioner is concerned, he is not liable to pay normal rent or penal rent to the administration having regard to the circumstances of this case. Hence, we direct the respondents to pay the withheld gratuity amount without deductions and interest on the said amount @ 18% per annum from 8.8.1991 till the date of actual payment. This shall be carried out within a period of one month from this date.

2. So far as the second petitioner is concerned, her grievance is that the regularisation has been made prospectively rendering her liable to pay rent higher than the normal rent w.e.f. 1.6.1988. The clear effect of the judgement is to hold that the second petitioner became entitled to regularisation of the accommodation which was in possession of her father, the first petitioner having retired on 31.5.1988. The Tribunal having held that<sup>as</sup> the second petitioner became entitled to regularisation of the quarter as she was staying with her father prior to his retirement, it is obvious that the regularisation is to take effect from the date of the retirement of the first petitioner. Hence, the second petitioner would not be liable to pay any rent higher than the normal rent w.e.f. 1.6.1988. If any amount is due in respect of the

said premises, it is made clear that the respondents are liable to recover the same from the second petitioner in accordance with the law. She will, however, be liable to pay normal electricity and water charges in accordance with the rules.

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*I.K. Rasgotra*  
( I.K. RASGOTRA )  
MEMBER(A)

*V.S. Malimath*  
( V.S. MALIMATH )  
CHAIRMAN