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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

C.G.P. NO.202/91 in
O.A. NO. 1101/89

DECIDED ON : 23.1.1992

Harbans Lal Sethi

... Petitioner

Vs.

General Manager, Northern
Railway & Anr.

... Respondents

CORAM

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. P. C. JAIN, MEMBER (A)

Shri S. K. Sawhney, Counsel for Petitioner

Shri P. S. Mahendru, Counsel for Respondents

ORDER (ORAL)

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

The judgment of the Tribunal in OA-1101/89 was rendered on 4.6.1991. There are two directions in favour of the complainant. The first is in regard to passes about which there is no dispute. The only other direction given in favour of the complainant reads as follows :-

"The respondents are further directed to refund the amount deducted from the D.C.R.G. as a penal rent from the retired Railway employee of the allotted Railway premises within a period of one month from the receipt of this order and the respondents shall have a right to claim damages as per rules under Public Premises (Eviction of Unauthorised Occupants) Act, 1971 before the competent prescribed authority."

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2. It is not disputed that the complainant became entitled to receive an amount of Rs.53,708 by way of gratuity. It is also not disputed that only a sum of Rs. 45,073.80 was paid to the complainant and a sum of Rs.8,634.20 was withheld on account of outstanding dues of the complainant. The grievance of the complainant in the matter was that withholding of Rs.8,634.20 is legally impermissible and, therefore, the respondents should be directed to refund the amount so withheld. It is in this background that the aforesaid direction came to be issued by the Tribunal after hearing both the parties. The clear effect of the direction is to require the respondents to refund the portion of the amount which had been withheld, which constituted penal rent in respect of the premises allotted to the complainant and occupied by him. In other words, the clear effect of the direction is that the respondents were not justified in retaining out of the D.C.R.G. any amount as penal rent in respect of the premises occupied by the complainant, meaning thereby the respondents were entitled to deduct from the said amount only the regular rent and not the excessive penal rent.

3. The respondents explained that they have since ordered payment of the amount which had been withheld by them as penal rent. They have shown their calculations in this behalf along with their reply. They have shown that a total amount of Rs.3,426.70 was withheld from the D.C.R.G. amount by way of rent inclusive of penal rent. Out of this, it is stated that rent proper

payable by the complainant is Rs.657 and that an amount of Rs.2,769 constitutes the penal rent that formed part of Rs.3,426.70. It is on that basis that they have ordered refund of Rs.2,769. If that is all the penal rent which has been retained, the respondents would have complied with the directions in the judgment. But it was maintained by Shri Sawhney, learned counsel for the complainant, that the judgment of the Tribunal did not authorise the respondents to retain any amount under any other head and that, therefore, retention of amounts in excess of Rs.2,769 is clearly impermissible. The short answer to this contention should be that there is no direction in the judgment of the Tribunal to refund to the complainant any amounts other than the amounts withheld by way of penal rent. The direction in the judgment is clear and there is no ambiguity about it in that it is confined to directing refunding only that amount which constitutes penal rent. Hence, it is not possible to accept this contention of the learned counsel for the complainant. We, therefore, do not find any good grounds for taking further action under the Contempt of Courts Act.

4. Learned counsel for the respondents handed over a cheque for Rs.2,770 to the learned counsel for the complainant. We are, therefore, satisfied that there is due compliance with the judgment. The proceedings are accordingly dropped and the rule is discharged. No costs.

(P. C. JAIN)
MEMBER (A)

(V. S. MALIMATH)
CHAIRMAN