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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI

Regn. No. OA 1295 of 1990

Date of decision: 21-8-1991

Inder Singh Sahani

Applicant

vs.

Union of India & Others

Respondents

PRESENT

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

Shri O.N. Moolri, counsel for the respondents.

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Hon'ble Shri Justice Ram Pal Singh, Vice-Chairman (J).

Hon'ble Shri P.C. Jain, Member (A).

(Judgment of the Bench delivered by Hon'ble Shri
Justice Ram Pal Singh, Vice-Chairman (J).)

JUDGMENT

By this application, filed under Section 19 of the Administrative Tribunals Act, 1985 (hereinafter referred as 'Act'), the applicant prays for the relief of the payment of Death-cum-Retirement Gratuity to him with interest at 18% alongwith other dues, i.e., difference of salary and Travelling Allowance etc. He further prays for the direction to the respondents to release his post-retirement passes.

2. The applicant was a Senior Signal and Telecommunication Engineer (SSTE), Northern Railways, New Delhi, who retired on super-annuation on 28.2.89. He is aggrieved by the order of the Divisional Superintending Engineer ordering recovery of the penal rent etc. The applicant was allowed to retain Government accommodation under his occupation upto October, 1989. However, when he failed to vacate the Government accommodation, on the ground that the respondents have not paid the DCRG amounting to Rs. 64,000/- to him even upto October, 1989, he was served with a notice. While answering the notice, the applicant raised therein his demand for immediate payment of the gratuity. Consequently, the Estate Officer

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of the Northern Railway, who has been impleaded as Respondent No.3, passed eviction orders directing the applicant to vacate the premises within 15 days from the date of the order dated 13.6.90. By another order of the same date, the Estate Officer (Respondent No. 3) also ordered the applicant to pay Rs. 10,972/- as damages for the period from 1.3.89 to 31.12.89 and further damages of Rs. 3,840/- from 1.1.90 till the vacation of the premises. The basic contention of the applicant, thus, is that unless the respondents pay him the amount of gratuity, he would not vacate the Railway accommodation. On notice, the respondents have supported the orders passed by Respondent No.3 and inter alia maintain that the gratuity amount cannot be paid to the applicant and the privilege of Railway passes cannot be restored till he vacates the quarter.

3. A Bench of this Tribunal on 25.7.90 passed a separate order in which it is mentioned that the Supreme Court in S.L.P. has stayed the operation of the Full Bench judgment of this Tribunal dated 5.5.89 in the case of Rasila Ram and others. By the same order, that Bench passed an interim order that the respondents are restrained from implementing the orders dated 13.6.90. After the notice was served upon the respondents, Shri Mainee and Shri Moolri both heard on admission and a Bench of this Tribunal on 7.8.90 passed a detailed order on admission after hearing both the parties extensively. By this order, this O.A. was admitted only with regard to the reliefs prayed for in paras 8.2, 8.4, 8.5, 8.6 and 8.7 mentioned in the relief clause. That Bench further held that the relief prayed for in para 8.3 cannot be adjudicated by this Tribunal at that stage because Respondent No. 3 has already passed an order under Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and the applicant has an alternative remedy of going in appeal to the court of the District Judge. Therefore, we shall consider the prayer of the applicant in the O.A. only with regard to the question of the payment of gratuity to the applicant and also the issuance of the passes by the respondents in his favour.

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4. The applicant in his O.A. has stated that the reason for not vacating the Railway accommodation is that his wife is not well and that his own house has not been vacated by the tenant with whom he is litigating and he needs the immediate payment of the huge amount of gratuity so that he will acquire private accommodation after vacating the official premises.

5. This Bench in OA 1559/90 decided on 10.4.91 observed in para 6 with regard to the desirability of the prompt payment of post-retirement dues to the employees. The observations are being reproduced below for convenience:

"The desirability of the prompt payment of post-retirement dues has been stressed and reiterated in the judicial pronouncements. Plethora of case laws down from the apex court have persistently and consistently stressed the need of prompt payment of post-retirement benefits so that the retired people do not feel the pinch of the paucity of funds when they have departed from the arena of life where for long they have enjoyed the privileges of pay packets containing also the additional benefits of allowances. They are not only old but also tired from the life long struggle, hence they need immediate departmental attention. Wilful neglect on the part of the department they have served, to pay promptly the post-retirement benefits, is indeed nothing but cruelty to its old employee who has given his golden days of life in service."

Needless to say that the post-retirement benefits should be granted to the employee within the shortest period of his retirement. Plethora of judgments also support this view. The Full Bench judgment of this Tribunal delivered on 25.10.90 in the case of Wazir Chand vs. Union of India (ATJ 1991 (1) p. 60) has considered this question extensively and has arrived at the conclusion that the Railway Administration cannot withhold the entire amount of gratuity on the ground of non-vacation of the Railway quarter. In Wazir Chand (supra) it has also been held that Railway Administration cannot withhold or disallow one set of post-retirement passes for every month on the ground of non-vacation of railway quarter after the retirement of the Railway employee. In Wazir Chand (supra) it has also been observed that the Tribunal is competent to allow interest on the delayed payment of the amount of gratuity by the respondents.

6. It has also to be observed that several Railway rules made by the Ministry of Railways in 1968 and 1976 point out the

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desirability of immediate payment of post-retiral benefits to the retired employee. We, therefore, place reliance upon the Full Bench judgment of this Tribunal in the case of **Wazir Chand (supra)** and allow this O.A. to the extent indicated hereinbelow:

We direct Respondents No. 1 and 2 to pay the amount of gratuity due to the applicant within a period of three months from the date of the receipt of a copy of this judgment. Interest cannot be awarded to the applicant on dues of DCRG in view of the judgement of the Supreme Court in the case of **Raj Pal Wahi & Ors. vs. Union of India & Others (SLP No. 7688-91 of 1988 decided on 27.11.89)**. We further direct Respondents No. 1 and 2 to pay other dues to the applicant, i.e., difference of salary and Travelling Allowances etc. within a period of three months. We further direct Respondent Nos. 1 and 2 to release the post retirement passes to the applicant to which he is entitled within a period of three months from the date of receipt of a copy of this judgment.

7. Consequently, this O.A. is allowed as indicated hereinabove. The parties shall bear their own costs.

Dec 21/89
(P.C. JAIN)
MEMBER (A)

Dec 21/89
(RAM PAL SINGH)
VICE-CHAIRMAN (J)