

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI
RECORDED

Regn. No. O.A. 2414/90

Date of decision: 19.7.1991

Mala Ram

.... Applicant

Versus

Union of India

.... Respondents.

Present:

Sh. A. K. Bhardwaj, counsel for the applicant.

Sh. Rajesh, counsel for the respondents.

CORAM:

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

Hon'ble Shri A. B. Gorthi, Member(A)

(Judgement of the Bench delivered by
Shri Justice Ram Pal Singh, Vice Chairman(J)).

JUDGEMENT

By this application filed U/s 19 of the Administrative Tribunals Act of 1985, the applicant prays for release of payment of his part of gratuity of Rs. 10,000/- withheld by the respondents and also the post retirement passes which have been stopped.

2. The applicant was an employee of the Railway Department and retired on superannuation on 30th September '88, after completing the age of 50 years. During his employment he was residing in official accommodation of the Railway Department, quarter No. 272-C, Loco Colony, Rewari. After his retirement he was waiting for payment of his retirement dues and also the passes which were withheld by the Railway Department. Ld. counsel for the respondents has raised a preliminary objection that this O.A. is premature because the applicant did not avail the departmental remedy available to him U/s 20 of the Administrative Tribunals Act. The applicant is aggrieved by annexure A-1, which was issued by the respondents on 17.7.1990. The applicant filed a

Leave to file

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representation on 6.1.1990 before the Divisional Railway Manager, Northern Railway, Bikaner. Instead of deciding the representation the respondents issued, Annexure A-1, by which the applicant is aggrieved and has knocked the doors of this Tribunal for justice. The Full Bench judgement of this Tribunal (Wazir Chand Vs. U.O.I. - 1991(1) A.T.J. p.60) has dealt the subject in hand at length and concluded that the Railway Department cannot withhold the entire amount of gratuity after the retirement of the Railway servant, in view of the non-vacation of the official accommodation. It has further been held that the post retirement passes for every month cannot be withheld in lieu of the unauthorised retention of the Railway accommodation. We place reliance upon this judgement and allow this O.A. We direct the respondents to pay the entire amount of gratuity within the period of three months from the date of receipt of a copy of the judgement and also the post retirement passes which have been withheld by them. On receiving all his retirement dues and after receiving the passes, the applicant shall vacate the premises occupied by him. The parties shall bear their own costs.

Manohar D
(A. B. GORTHY)

MEMBER(A)

Ram Pal Singh
(RAM PAL SINGH)
VICE CHAIRMAN (J)