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Central Administrative Tribunal
Principal Bench

OA No.2514/90

New Delhi this the 20th Day of October, 1994.

Sh. N.V. Krishnan, Vice-Chairman (A)

1. Smt. Janki Devi,
Widow of Late Sh. Bhagmal Tyagi,
C-13B, Railway Colony,
Lajpat Nagar,
New Delhi.
 2. Sh. Yogander Pal Tyagi,
S/o Late Sh. Bhagmal Tyagi,
R/o C-13B, Railway Colony,
Lajpat Nagar, New Delhi.
 3. Sh. Ravi Kant Tyagi,
S/o Late Sh. Bhagmal Tyagi,
R/o C-13B, Railway Colony,
Lajpat Nagar, New Delhi. ...Applicants
(By Advocate Sh. S.K. Sawhney)
Versus
1. Union of India, through
General Manager, Northern Railway,
New Delhi.
 2. The Divisional Railway Manager,
Chelmsford Road, Northern Railway,
New Delhi. ...Respondents
(By Advocate Sh. P.S. Mahendru)

ORDER(ORAL)

Hon'ble Mr. N.V. Krishnan:-

The first applicant is the widow of late Sh. Bhagmal Tyagi, a Goods Clerk under the second respondent, who died on 22.7.83. The applicants 2 and 3 are the sons of late Sh. Bhagmal Tyagi.

2. This application has been filed for the payment of the gratuity to them on the death of the Government employee.

3. It is seen that the second applicant, Yogandar Pal Tyagi was appointed in the Railways on compassionate grounds by the second respondent on 20.9.85. When that applicant made a request to the Railways to regularise the quarter, which was allotted to his father during his life time,

in his name, consequent upon his appointment, that request was apparently not acceded to. In the circumstances, that applicant filed OA-2380/90 which has been decided on 10.4.90. A copy of that judgement is produced by the learned counsel for the applicants for my information and record. It is seen that the applicant's O.A. was allowed and the respondents were directed to regularise the quarter No.C-13/B, Railway Colony, Lajpat Nagar, New Delhi in the name of the applicant from the date of his appointment, i.e., from 20.9.85.

4. The reply of the respondents to the O.A. is that the applicants did not vacate the quarter on the death of the deceased employee on one pretext or the other. In the circumstances, the applicants are liable to pay penal rent for the period of unauthorised occupation. It is claimed that as the applicants had failed to vacate the Railway quarter, hence the terminal dues in the shape of D.C.R.G. [✓] ~~should~~ [£] not be settled.

5. The prayer in the O.A. is to direct the respondents to pay Rs.10,235.62 on account of D.C.R.G. to the applicants, consequent upon the death of Sh. Bhagmal Tyagi alongwith the interest thereon from the date of death.

6. I have heard the parties. The only ground which has been urged for the non-payment of the D.C.R.G. or for withholding that amount is that the applicants have not vacated the quarter. I am unable to appreciate this argument at the

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present stage, though that could have been valid when the reply was filed on 27.3.91. With the judgement dated 10.4.91 in OA-2380/90 it is clear that the same house stands allotted to the second applicant with effect from the date of his appointment, i.e., 20.9.85. In the circumstances, it has to be deemed that the illegal or unauthorised occupation of the Railway quarter by the applicants has come to an end w.e.f. 20.9.85. Therefore, it is the duty of the respondents to consider the claims of D.C.R.G. of the applicants and take decision in accordance with law. In the circumstances, I dispose of this case, without deciding any other issue on merits, with the declaration that the unauthorised occupation has come to an end on 20.9.85 and that, therefore, the respondents should now decide the question of payment of D.C.R.G. within a period of two months from the date of receipt of this order in accordance with law. Needless to say that if the applicants are still aggrieved by the order that may be passed by the respondents, it is open to them to seek such redress, as may be advised.

7. The O.A. is disposed of accordingly. No costs.


20.10.84
(N.V. KRISHNAN)
VICE-CHAIRMAN (A)

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