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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

* * *

O.A. NO. 684/90

DATE OF DECISION : 7.1.1992

SHRI INDER DEV AGGARWAL

...APPLICANT

VS.

UNION OF INDIA

...RESPONDENTS

CORAM

SHRI I.K. RASGOTRA, HON'BLE MEMBER (A)

SHRI J.P. SHARMA, HON'BLE MEMBER (J)

FOR THE APPLICANT

...SHRI S.K. SAWHNEY

FOR THE RESPONDENTS

...SHRI P.S. MAHENDRU

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

(DELIVERED BY SHRI I.K. RASGOTRA, HON'BLE MEMBER (A))

Heard the learned counsel for both the parties.

The reliefs claimed in this OA relate to certain retirement benefits. Briefly, they are dues on account of leave encashment, salary for 2.2.1976 to 11.2.1976, deduction on account of commuted value of pension, payment of some amount of Provident Fund, although not specified, and recovery of penal rent for Government accommodation from the amount of D.C.R.G.

[Signature]

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2. The applicant was initially removed from service w.e.f. 12.2.1976 and later on compulsorily retired by an appellate order dt. 7.2.1977. He was, however, reinstated in service w.e.f. 12.2.1976 consequent to the quashing of the orders of removal and compulsory retirement by the Tribunal.

- (i) As far as the leave encashment is concerned, the contention of the applicant is that the same should have been calculated on the basic pay of Rs.640 p.m. in lieu of Rs.600. Thus the differential amount ^{is} due to be paid to him.
- (ii) The applicant alleges that he was not paid salary for part of the month, i.e., from 2.2.1976 to 11.2.1976 prior to his removal from service.
- (iii) According to the applicant, the respondents have made double recovery of commuted value of pension @ Rs.55 p.m. However, neither the PPO issued in 1977 when the applicant was compulsorily retired nor the one issued when he finally retired on superannuation on 31.1.1983, have been brought on record.
- (iv) Penal rent has been recovered for stay in the quarter from 12.2.1976 to 24.6.1978 at Rs.184.90 instead of effecting recovery at the normal rate from his D.C.R.G.

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3. We have considered the matter carefully. We find that as far as claims at (i), (ii) and (iii) are concerned, it is difficult to adjudicate them without actual reference to the record. The best course to settle this matter, therefore, would be that the applicant should sit with a responsible official of the respondents in their office when he be shown the calculations of the amounts paid as claimed due to him and if any differential is to be paid, the same should be settled by the respondents. We order accordingly.

4. As far as the recovery of penal rent as at (iv) is concerned, it appears to us that penal rent has been recovered during the period in which the applicant stayed in the Railway quarter after he was removed from service and till the date, he vacated the quarter. Since he was reinstated in service subsequently in accordance with our orders, we direct that the rent should be recovered from him at the normal rate for the period from 12.2.1976 to 24.6.1978. The excess recovery made be refunded to him. We order accordingly.

5. There are some other small amounts relating to electricity bills, store debt etc. recovered from him. We

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are not inclined to interfere with these recoveries. Regarding Providend Fund dues, although nothing has been specified, we direct that the Providend Fund amount should be got checked up by the competent authority by the respondents and if any amount is due to the applicant, the same should be paid to him at relevant rate of interest upto the end of the month preceding the date on which the actual payment is made. If no amount is found to be due to him on this account, the question of payment of any interest would not arise.

6. Another issue agitated relates to the deduction on account of income-tax from the arrear salary paid to the applicant. In the course of hearing, it transpired that the necessary refund for the excess recovery made from the applicant has already been received by the applicant from the Income-Tax Authority. The claim, therefore, no longer subsists.

7. The respondents shall make all efforts to satisfy the applicant by showing him the necessary record and the calculations made with a view to settle these issues. We further direct that the respondents shall comply with this order within a period of 12 weeks after the receipt of this order. A copy of this order may be given to the

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learned counsel for both the parties. The other reliefs claimed are disallowed. The OA is disposed of as above with no order as to the costs.

J. P. Sharma
(J.P. SHARMA) 7.1.92
MEMBER (J)

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