

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
* * *

O.A. No.1530/91

08.01.1993

Shri Om Prakash Madan

...Applicant

Vs.

Union of India & Ors.

...Respondents

CORAM :

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

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Shri G.D. Bhandari

For the Respondents

...Shri B.K. Aggarwal

1. Whether Reporters of local papers may be
allowed to see the Judgment? *Ys*

2. To be referred to the Reporter or not? *Ys*

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

P.C. Jain
(P.C. JAIN)
MEMBER (A)

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NEW DELHI.



Date of Decision: 08.01.1993

OA 1530/91

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... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLE SHRI P.C. JAIN, MEMBER (A).

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

For the Applicant

... SHRI G.D. BHANDARI.

For the Respondents

... SHRI B.K. AGGARWAL.

J U D G E M E N T

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

The applicant was serving as Guard in Northern Railway and on being medically incapacitated from the post of Guard Grade-A he was retired on 24.10.90. The applicant requested by the application dated 4.12.90 for the appointment of his son on compassionate ground. The applicant, in this application, has prayed for the grant of reliefs that the Pension, Gratuity, Leave Encashment and other retirement benefits be paid to him without further delay. Further, to issue directions to the respondents to issue order forthwith for the employment of his son on compassionate ground on a Class-III post and to regularise the quarter also in his name.

2. The respondents contested the application on a number of grounds. During the pendency of this application, the compassionate appointment has been given, instead of his son,

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to the daughter of the applicant Km. Sunita Madan. The respondents also in the reply have stated that the applicant has been paid all retirement benefits except Gratuity, which has been withheld for non-vacation of the quarter. The amount of Gratuity has been calculated and it comes to Rs.51,150/-, which will be released immediately on vacation of the quarter by the applicant. This has been withheld in terms of the Railway Board's letter No. 720-E/XXVI-Pension dated 4.6.82 (PS No. 8045). Though, at the time when the counter was filed, the respondents have taken the stand that the appointment of the applicant's son is pending with the Competent Authority and will be decided in accordance with the provisions of the departmental rules.

3. We have heard the learned counsel for the parties at length and have gone through the records of the case. The only relief pressed by the learned counsel for the applicant is regarding regularisation of the quarter in favour of the daughter, who has since been given compassionate appointment in DRM Office. An application to this effect has already been moved before the DRM by Km. Sunita Madan on 21.7.92.

4. In view of the above facts and circumstances, the present application is disposed of in the following manner :-

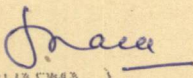
a) The respondents will release the DCRG of the applicant, but in view of the Rajpal Wahi's case SLP No 7658/97 1300 2nd 26 Nov 1999 6 applicant is not entitled to any interest.

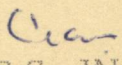
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b) The respondents are directed to consider the application of the applicant's daughter Km. Sunita Madan for regularisation/ allotment of eligible type of quarter and if permissible the same quarter No.199/B-1, Basant Lane.

In view of the above facts and circumstances, the parties ~~are~~ **are left** to bear their own costs.


(J.P. SHARMA)
MEMBER (J)

 8/1/93
(P.C. JAIN)
MEMBER (A)