

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.1789/91

DATE OF ORDER: 10.9.1991.

SHRI ANAND SINGH RAWAT

..APPLICANT

VERSUS

GENERAL MANAGER, NORTHERN RAILWAY ..RESPONDENTS

CORAM:

THE HON'BLE MR. T.S. OBEROI, MEMBER (J)

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

FOR THE APPLICANT

SHRI O.P. KHOKHA, COUNSEL

FOR THE RESPONDENTS

SHRI P.S. MAHENDRU, COUNSEL

O R D E R

Heard the learned counsel for the parties.

It appears that the respondents have construed our order dated 3.4.1991 to recover normal/market/penal rent for the period the father and the son over-stayed in Type-II quarter which was allotted to the father, prior to his retirement from the office of the respondents. The rent has been calculated, as recoverable from him as under:-

From 1.10.91 to 31.1.90 normal rate

From 1.2.90 to 31.5.91 at Rs.897/- per month


From 1.6.91 to 26.6.91 at Rs.1,794/- per month plus some other additional charges like conservancy etc.

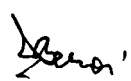
The intention of our order, however, was that quarter should be regularised in accordance with the rules which enable the respondents to allot quarter to the son on the retirement of the father. Our order dated 3.4.91 also makes it clear that the respondents have no evidence to show that the quarter was allotted to the son earlier than 1.4.91. Had a Railway quarter of his entitlement been allotted to the son, the type-II quarter which was in the name of the father would have been vacated by the father, as, ordinarily, he would have moved into

the lower type of quarter allotted to the son. In these circumstances, obviously, it would not have led the respondents to the levy of penal rent from the father. We would, therefore, make it clear that intention of our order dated 3.4.91 is that the rent should be recovered from the gratuity of the father at the normal rate. The respondents are, however, free to recover other charges like electricity, water, as due.

The learned counsel for the respondents, however, stated that the applicant vacated the type-II quarter only on 26.9.91 and over-stayed unauthorisedly without even applying for the permission to continue in quarter beyond 31.3.91 and that the respondents would be free to levy rent as per rules for the said period of over-stay. We see merit in the argument of the learned counsel for the respondents and leave the respondents free to deal with the period of over-stay of the applicant beyond 31.3.91 in the type-II quarter, as per rules. At the same time, we direct that the respondents shall pay interest on the gratuity payable to the applicant, togetherwith interest at the rate, as admissible under the rules upto the date the amount of gratuity is actually paid. We further order and direct that the interest due in terms of the above order shall be paid to the applicant within a period of 8 weeks from the date of communication of this order.

The O.A. is disposed of accordingly, with no order as to costs. A copy of this order be supplied to the learned counsel for both the parties.


(I.K. RASGOTRA)
MEMBER(A)
10.9.91.


(T.S. OBEROI)
MEMBER(J)
10.9.91.