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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. 2792/91

Date of decision: 24.4.92

Balbir Singh

.. Applicant.

Versus
Union of India & ors. .. Respondents.

Sh.Umesh Mishra .. Counsel for the applicant.

Sh.R.L.Dhawan .. Counsel for the respondents

CORAM:

The Hon'ble Sh.Justice Ram Pal Singh, Vice Chairman(J).

The Hon'ble Sh.A.B.Gorthi, Member(A).

J U D G E M E N T

(Delivered by Hon'ble Sh.Justice Ram Pal Singh, V.C.(J))

The applicant has prayed for a direction to the respondents to pay the entire amount of gratuity alongwith the amount of Voluntary Provident Fund as pensionary benefits alongwith 20% interest as he retired on 30.11.89. This O.A. was filed under Sectin 19 of the Administrative Tribunals Act of 1985. Respondents, on notice, appeared and filed their reply contending that there are dues against the applicant and the payment of the P.F. and gratuity has been withheld due to this reason. The applicant is still occupying the residential quarter, thus the respondents have not paid to the applicant any dues, as prayed for in the O.A. In the case of Wazir Chand Versus Union of India (O.A.2573/89 decided on 25.10.90 Full Bench Judgement C.A.T. Vol.II 287). The Full Bench has held that entire amount of gratuity cannot be withheld for non-vacation of railway quarter by a retired employee. Sh.Umesh Mishra, counsel for the applicant has cited judgement of Sh.Mulak Raj in O.A.1269/90 delivered on 24.9.90 by Principal Bench where the matter has been examined thoroughly. We need not dwell much upon the subject.

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In the facts and circumstances of the case we direct the respondents to make the payment of D.C.R.G., gratuity & and other amounts due to the applicant as early as possible preferably within a period of three months. If there are any dues against the applicant, the amount may be deducted i.e. rent for the period the applicant overstayed, may be deducted from the payment to be made as aforesaid. The applicant shall also be entitled to 10% of interest from the date of this order on the entire amount payable to him. On receipt of the entire amount the applicant shall vacate the quarter immediately. With these directions the O.A. is finally disposed of. In the facts and circumstances of this case we deem it proper to impose cost upon the respondents. They shall pay an amount of Rs.500/- as cost of these proceedings to the applicant.

Amrit Singh
(A.B.GORTHI)
MEMBER(A)

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