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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2794/2004

New Delhi, this the 24th day of November, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

Surjit Singh Babra
S/o Sh. Niranjan Singh
Retd. Sr. Section Engineer
Northern Railway
R/o 673, Street No.3
Punjabi Basti, Anand Parbat
New Delhi - 110 005.

...Applicant

(By Advocate Sh. S.N. Anand)

V E R S U S

1. General Manager
Northern Railway Hdqrs. Office
Baroda House, New Delhi.
2. Chief Electrical Engineer (Construction)
Northern Railway, Tilak Bridge
New Delhi - 110002.
3. Financial Advisor & Chief Accounts Officer
(Construction), Northern Railway
Kashmiri Gate, Delhi.
4. The Financial Advisor & Chief Accounts Officer
Northern Railway, Baroda House, New Delhi.
5. The Divisional Superintending Engineer (Estate)
O/o Divisional Railway Manager, Northern Railway
New Delhi Railway Station, New Delhi.

...Respondents

O R D E R (O R A L)

Heard the learned counsel for the applicant.

2. It has been prayed that the respondents be directed to release the amount of gratuity forthwith with interest as per the judgement of the Mumbai Bench of the Tribunal in **M.R.Chitriva v. UOI & Ors.** (OA 2133/2000) reported in 2001 (2) ATJ 620 and also the judgement of the Hon'ble Apex Court given in Civil Appeal

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No.689/2000 in **Vijay L.Mehrotra v. State of U.P.** on 31-1-2000 reported in 2001 (1) SC 215.

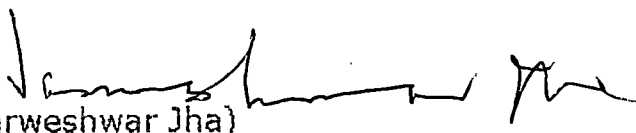
3. The applicant, who retired on superannuation w.e.f. 30.6.2003 as Sr. Section Engineer (Construction/Electrical/TKJ) while serving in the office of the Chief Electrical Engineer (Construction), Tilak Bridge with Headquarters at Kashmiri Gate, Delhi, has not been paid full gratuity so far. It has been mentioned that he has been receiving monthly pension regularly. He is a handicapped person, which was the result of an accident which he suffered while on duty on 8-3-1968. This necessitated his having retained the Quarter No.171 C-4, Basant Lane, New Delhi, as allotted to him in 1991, for some more time after the said accident, as he had no alternative accommodation in Delhi. It has also been mentioned that he lost his wife in 1996 and he needed time to make some arrangement for settlement in Delhi. Accordingly, he applied for extension of allotment of the said quarter from 1-7-2003 to 31-10-2003. Further extension was allowed from 1-11-2003 to 29-2-2004 vide the letters of the respondents dated 15-10-2003 and 15-3-2004 (Annexure A-4). The applicant vacated the accommodation on 8-3-2004. He has, however, received a letter from the respondents dated 22-3-2004 (Annexure A-5) in which the licence fee which is payable by him from 1-7-2003 to 8-3-2004 has been computed. Ld. counsel has contended that now that an amount on account of license fee which is payable by the applicant to the respondents has been computed for the different periods as shown in the said letter and also as the said quarter has already been vacated by the applicant on 8-3-2004, the respondents should have released the gratuity due to the applicant. Accordingly, he has prayed for release of the gratuity together with interest which is admissible thereon in the light of the decisions of the Hon'ble Tribunal as well as the Hon'ble Apex Court as have been referred to above.

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4. I have considered the facts of the matter as submitted by the applicant in this OA. I find that the applicant has also submitted a representation dated 23-3-2004, to which no reply has been given by the respondents so far. On the face of the facts as are available in this OA, it appears that the respondents w~~h~~ould have released the gratuity after the quarter has been vacated by the applicant. They could have at the most recovered the amount on account of licence fee for the period for which it was due to be payable to the respondents on the basis of the computation that has been given by them in their letter dated 22-3-2004. They have, however, no reason to keep the amount of gratuity with them after the vacation of the quarter.

5. Accordingly, the respondents are directed to consider the matter as has already been represented to them vide the letter of the applicant dated 23-3-2004 together with what has been submitted in this OA, treating the same as his another representation and to release the amount of gratuity together with interest on delayed payment thereof as admissible under the rules and also keeping in view the decisions of the Hon'ble Tribunal as also the Hon'ble Apex Court as have been referred to hereinabove. The respondents are further directed to complete this exercise within a period of two months from the date of receipt of a copy of this order.


(Sarweshwar Jha)
Member (A)

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