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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.NO.1311/92

Hon'ble Shri P.T.Thiruvengadam, Member(A)

New Delhi, this 24th Day of February, 1995

Shri; ~~MARBANS LAL Goyal~~
S/O Shri T.R.Goyal
7/2, Railway Colony
Sewa Nagar
New Delhi.

..... Applicant

Vs.

Union of India through

1. The General Manager
Northern Railway
Baroda House
New Delhi-1

2. Divl. Supdt. Engineer(Estate)
Northern Railway
D.R.M.Office
New Delhi-1.

..... Respondents

(By Shri Ramesh Gautam, Advocate)

ORDER (Oral)

This case had been going on for a long time. This OA had been dismissed for non prosecution on 6.10.1993. MA No.3367/93 filed for restoration had also to be dismissed for default and non prosecution on 5.11.1993. Subsequently the applicant had again filed further MAS for restoration. These MAS were allowed based on the oral submission made by the learned counsel of the Applicant and the contents of the MAS and the OA was restored.

2. From 25.7.1994 the OA is getting listed on several occassions. One or other of the parties had been absent and on 17.2.1995 the arguments were commenced by the learned counsel for the applicant. The matter has been posted today as part-heard. However, there is none

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present on behalf of the applicant. Since the matter is an old one, I am disposing of this OA based on the documents available and the arguments submitted by the learned counsel for the respondents.

3. This OA has been filed by the applicant who retired as a Chief Reservation Supervisor on 31.5.1987. He retained the accommodation provided to him during service and ultimately vacated the same on 31.5.1994, as orally submitted by the counsel on 17.2.1995. The following reliefs have been prayed:

Direct the respondents to pay to the applicant

A) Gratuity amounting to Rs.42,900.00

B) Balance outstanding of pay from 21.12.85 to 3.4.86 amounting to Rs.3,874.00 as detailed in para 4.6. of the application.

C) Salary for the period 3.4.86 to 16.1.1987 amounting to Rs.24,114.00.

D) Bonus for the 1985-86 and 1986-87 amounting to Rs.3,613.00

E) Difference in salary on refixation of pay amounting to Rs.2,813.00

F) Difference in Pension Payment amounting to Rs.3,180.00 for the period 1.6.87 to 31.5.87

G) Interest on the above noted outstandings at 15% p.a. from the date they fell due till final payment.



H) Interest on amount of pension of Rs.28,248.00 paid to the applicant on 12.5.1989 instead of on 1.6.87.

I) costs of the present proceedings.

4. With regard to the prayer on gratuity the only submission made was that the gratuity has to be paid without linking with the vacation of the accommodation. This aspect has been gone into in a number of cases including OA No.562/94 decided by me on 14.2.1995. I have held that gratuity amount less legal dues comprising rent/penal rent should be released on vacation of accommodation. Since the learned counsel for the applicant orally submitted that the accommodation has been vacated on 31.5.1994, I direct that any balance to be paid after deducting the dues leviable including rent/penal rent should be paid to him. This payment should have been made within three months from the date of vacation of accommodation. Any delay in such payment thus entitles the applicant to an interest at the rate of 12% per annum on the balance gratuity payable, if any. The respondents are directed to make the payment, due along with interest, as above. If no payments are due, the applicant should be advised suitably by a speaking order. This direction should be completed within three months from the date of receipt of this order.

5. Regarding the reliefs B, C and D since the position is not clearly brought either by the applicant nor by the respondents, I direct the respondents to issue a speaking order within three months from the receipt of this order. If any payments, are due there should be

paid within the same period. The applicant is given liberty to approach the proper forum in case he is aggrieved by these orders.

6. Relief E is in relation to refixation of pay consequent to upgradation of posts. Admittedly, the process of upgradation, the resultant promotions and consequent payments had been effected by July, 1987 (para 4.13 of the OA). The applicant is agitating against the benefits of upgradation by filing this OA in the month of May, 1992. Claims on upgradation and promotions have become highly belated and cannot be entertained. The applicant has not satisfactorily explained the laches on his part and hence his claim has to be held to be hopelessly time barred and is to be dismissed.

7. In view of the dismissal of the relief E, the consequential relief F relating to difference in pension has also to be dismissed.

8. As regard relief H, the ground advanced is that pension payment order was released only on 12.5.1989, though the applicant retired in May, 1987, Here again the applicant has not explained as to why he has not approached this tribunal within 12/18 months of the issue of the PPO. He has chosen to file the OA only in May, 1982. Accordingly, this relief has also to be rejected as hopelessly time barred.

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9. In the circumstances, the OA is disposed of as above, with regard to the directions in reliefs A, B, C, and D only. The other reliefs are disallowed. No costs.

P. J. Thiruvengadam

(P.T. THIRUVENGADAM)

MEMBER (A)

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