

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.1529/92

Date of decision: 19.2.93

Smt. Manna Devi

.. Applicant.

versus

Union of India
& others

.. Respondents.

Sh. V. P. Sharma

.. Counsel for the applicant.

Mrs. Sunita Rao

.. Counsel for the respondents.

CORAM:

The Hon'ble Sh. S. P. Mukerji, Vice Chairman(A).
The Hon'ble Sh. C. J. Roy, Member(J).

J U D G E M E N T (ORAL)

(Delivered by Hon'ble Sh. S. P. Mukerji, Vice Chairman(A))

The disposal of this O.A. shall also govern
the disposal of O.A. 1530/92.

2. We have heard the learned counsel for both
the parties on this application in which the applicant,
who is the widow of a deceased Railway employee,
has challenged the impugned order at annexure A-1
by which a notice of vacation of the Railway Quarter
has been given. ^{She} ~~and~~ is also aggrieved by the fact
that the entire amount of death-cum-retirement gratuity
has been withheld. When the case came up for hearing
the learned counsel for the applicant drew out atten-
tion to the decision of the Full Bench of this Tribunal
dated 25.10.90 (**Wazir Chand Vs. Union of India &**
others) as also the order of this Tribunal in
(page 13 of the paper book) R
O.A.2414/90 dated 19.7.91. We have gone through
these judgements and find that it has been held ^{therein} that
withholding of entire amount of gratuity of a retired
Railway servant so long as he does not vacate the
Railway Quarter is not legally permissible and dis-

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(12)

allowing one set of Railway pass is also ^{not} warranted.

It has also been held that direction to pay normal rent in a case where D.C.R.G. has not been paid would not be legally in order. It was further held that the quantum of rent/licence fee include penal rent and damages which has to be reckoned and assessed as per the applicable law, rules and instructions when linking the same with the non-vacation of the Railway quarter. The learned counsel for the applicant stated that the applicant will vacate the quarter as soon as the entire amount of death-cum-retirement gratuity is paid to the applicant. Learned counsel for the respondents agreed that this proposal is acceptable to the respondents.

3. In the above light we admit the application and dispose of the same with the direction to the respondents to pay the entire amount of death-cum-retirement gratuity, as admissible to the applicant and we direct the applicant to vacate the quarters simultaneously with the receipt of the death-cum-retirement gratuity without any deduction. However, we make it clear that the respondents shall be at liberty to recover whatever rent is legally due from the applicant in accordance ^{with} ~~to~~ the due process of law. There is no order as to costs. A copy of this judgment be placed in the case file of OA 1530 of 1992 which is also disposed of on the same basis as above.

[Signature]
(C.J.ROY)
MEMBER(J)

[Signature]
19.2.93.
(S.P.MUKERJI)
VICE CHAIRMAN(A)