

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
* * *

(A)

O.A. NO.1582/92

DATE OF DECISION : 04.08.92

Shri D.P. Monga

...Applicant

vs.

Union of India & Ors.

...Respondents

CORAM

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Shri H.L. Bajaj, proxy counsel
for Shri B.S. Mainee, counsel

For the Respondents

...Ms. Sunita Rao, counsel

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

The applicant retired as Head Clerk under Inspector of Works, Northern Railway. The applicant's grievance is of non payment of DCRG and non issuance of the post retirement complimentary passes as admissible under Rules to a retired Railway employee. Notices were issued on this application to the respondents and Ms.Sunita Rao appeared for the respondents. She has not filed any reply and the matter was taken up yesterday. However, she argued that this case be also decided on the same

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basis on the line of the judgement given by the Central Administrative Tribunal in similar other cases on the basis of the judgement in Union of India vs. Shiv Charan, 1992(19) ATC p-129.

2. The facts are that the applicant was allotted a Railway quarter No.C-15/H Railway Colony, Lajpat Nagar. The applicant retired on 31.3.1991 on superannuation. The respondents are withholding the payment of gratuity on the ground that the applicant has not vacated the Railway quarter. They are also not issuing post retirement complimentary passes because of the Extant Rules which are available to such a retired Railway employee, for non vacation of the allotted Railway quarter.

3. After hearing the learned counsel for the applicant and on the basis of the judgement of the case of Union of India vs. Shiv Charan, the respondents cannot withhold the DCRG amount on account of non vacation of the Railway quarter. The Full Bench judgement of the Central Administrative Tribunal in the case of Wazir Chand, reported in Full Bench Decision, Bihari Bros., 1991(2) p-287 is also to the same effect. However, Wazir Chand's case has been stayed by the Hon'ble Supreme Court on SLP filed by the Union of India. However, on the basis of the ratio

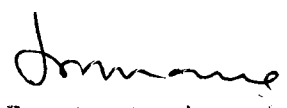
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(b) (12)

of the judgement in Union of India vs. Shiv Charan, the application is disposed of in the following manner :-

- (a) The applicant shall be paid the amount of DCRG less the amount of rent till the date of vacation of the Railway quarter. The moment the applicant vacates the quarter he may be handed over the amount of DCRG.
- (b) The respondents shall be free to claim damages for unauthorised overstay in the Railway quarter beyond the prescribed period as per the Extant Rules and the applicant shall be bound to pay the same.
- (c) In view of the decision of ^{Shiv Se. in de} Raj Pal vahi's case, the applicant shall not be entitled to any interest on DCRG because the withholding of the DCRG has not been on account of any administrative lapse on the part of the respondents, but because of the various circulars issued by the Railway Board in that regard.
- (d) After the vacation of the quarter by the applicant, the respondents shall restore the post retirement complimentary passes as per the Extant Rules.
- (e) The respondents shall comply with the above directions within a period of three months from the date of receipt of a copy of this judgement.
- (f) In the circumstances, the parties shall bear their own costs.

AKS


(J.P. SHARMA)
MEMBER (J)
04.08.1992