

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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C.A. NO. 172/1992

DATE OF DECISION: 14.2.92

SHRI CHIDDU & ANOTHER

...APPLICANTS

VS.

UNION OF INDIA & ANOTHER

...RESPONDENTS

CORAM

SHRI J.P. SHARMA, HON'BLE MEMBER (J)

FOR THE APPLICANTS

...SHRI S.K. SAWHNEY

FOR THE RESPONDENTS

...SHRI LAKHBIR SINGH,
INSPECTOR, DEPARTMENTAL
REPRESENTATIVE

1. Whether Reporters of local papers may be allowed to see the Judgement?

2. To be referred to the Reporter or not?

Mr

JUDGEMENT

(DELIVERED BY SHRI J.P. SHARMA, HON'BLE MEMBER (J)

Applicant No.2, Ram Nath is the son of applicant No.1, Chiddu. Both of them jointly filed this application under Section 19 of the Administrative Tribunals Act, 1985, aggrieved by the order dt. 24.10.1991 passed by the Divisional Superintending Engineer, Northern Railway, New Delhi whereas the impugned order was issued to the applicant No.1 holding him unauthorised occupant of Railway quarter No.13/6, Sarojini Nagar, New Delhi after retirement on 30.6.1982 informing him that proceedings

(A)

under Section 190 of Railway Act, 1989 will be started against him for recovery of damages as well as for eviction and further for every one month of unauthorised retention of Railway quarter, one set of post-retirement passes will be disallowed.

2. The applicants claimed the reliefs that the notice dt. 24.10.1991 (Annexure A1) be withdrawn and further allow the applicants to remain in occupation of the Railway Quarter No.13/6, Sarojini Nagar, New Delhi after regularising the same in the name of the son, Ram Nath. It is further prayed that the respondents be directed to pay DCRG payable to Chiddu applicant No.1 on his retirement on 30.11.1982, which has been illegally withheld and also at the market rate of interest till the date of payment. Further it has been prayed that the respondents be directed to allow post retirement passes to applicant No.1, which have been illegally withheld.

3. The respondents did not file any counter. However, on the date of hearing, i.e., 7.2.1992, the departmental representative filed a short reply on behalf of the respondents stating therein that the impugned orders dt. 24.10.1991 and 17.1.1992 have been withdrawn and applicant

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(5)

No.1, i.e., Chiddu will not be dispossessed from the Railway quarter until any Railway accommodation is allotted to the son-applicant No.2, Ram Nath as per his entitlement. It is also stated that the DCRG will be released in favour of the applicant No.1, Chiddu as per Extant Rules. It is also stated that post retirement passes will be released.

4. However, the learned counsel for the applicant pressed that since the DCRG has been withheld after retirement of the applicant on 30.11.1982, so the applicant is entitled to market rate of interest from 1.12.1982 till the date of payment. The learned counsel for the applicant has placed his claim on the basis of the authorities*

5. In the above circumstances and the clear position of law, the impugned orders have been withdrawn and the post

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1. State of Kerala Vs. Padmanabhan Nair, 1985 SC 356.
2. Wazir Chand Vs. U.O.I., decided by the Full Bench of the Principal Bench on 25.10.1990.
3. Union of India Vs. Shiv Charan, decided by the Hon'ble Supreme Court in Civil Appeal No.2002/1990 on 23.4.1990.
4. D.V. Kapoor Vs. U.O.I., 1980 SC 1923.
5. Amrit Singh Vs. U.O.I., 1988(4) SLJ C.A.T. 1023.

(b)

retirement passes have been ordered to be released by the department itself and also considering the allotment of a quarter in the name of applicant No.2. So the only dispute remains that of payment of interest on DCRG, which the respondents are also releasing in favour of the retired employee, Chiddu.

6. In view of the above, the respondents are directed to pay simple interest on the unpaid amount of DCRG to applicant No.1 @ 10% p.a. from 1.2.1983 till the date of payment. The application is disposed of accordingly with no orders as to costs. The order be complied by the Respondents within four months from the date of receipt of the copy of this order.

J. P. Sharma
(J.P. SHARMA) 14.2.82
MEMBER (J)

AKS