

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

CA No.3040/92

Date of decision: 1-6-1993

Shri Balwant .. Applicant

Vs.

Union of India & Others .. Respondents

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Hon'ble Mr. C.J. Roy, Member (J)
For the applicant .. Shri V.P. Sharma, Counsel
For the respondents .. Shri Romesh Goutam, Counsel

JUDGEMENT

(Delivered by Hon'ble Member (J) Mr.C.J.Roy)

This application is filed by the applicant praying that the order dated 13.4.92 claiming damages amounting to Rs.27,949/- in respect of the Rly. Quarter No.8-38/8, near East Cabin, Railway Colony, Delhi Sarai Rohilla occupied by him, be quashed and that the Respondents may be restrained from recovering the above said amount and not to evict him from the said quarter till the full payment of service, gratuity and pension are paid to him.

The facts of the case are that the applicant joined his service on 21.7.45 in the Railway Department and retired on 31.7.85 and has been granted pension. He, however, claims that he has not been paid the gratuity on the ground that he has not vacated the Railway quarter so far. He further argues that had the full amount of gratuity been paid to him, he could have acquired a small house for his living.

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The respondents have filed their counter stating that the following payments were made to the applicant:

Provident Fund	..	Rs.13,050.00
Pension Rs.255/- plus		
dearness relief Rs.204	..	459.00 p.m.
Leave encashment	..	866.20

They have further stated that an amount of Rs.8796.20 on account of gratuity has been withheld as the applicant has not vacated the railway quarter till date, as P.S. Circular No.8045 (Annexure R-1). The other points raised are not germane to the main case.

I have heard the learned counsel for the applicant Mr. V.P. Sharma and the learned counsel for the respondents Mr. Romesh Gautam and perused the records.

During the course of the arguments, both the counsel left the matter to the Tribunal to decide the case on the aspect of payment.

So it is absolutely not necessary to traverse all the facts of this case. I direct the respondents to prepare the cheque in advance within a fortnight and inform the applicant ~~and~~ ^{by} keep it ready and give it to the applicant on which date the applicant is automatically directed to hand over possession of the quarter to the respondents.

With this direction, the case is disposed off.
No orders as to costs.

(C.J. Roy)
Member (J) 16/93