

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No. 3095/92

DATE OF DECISION 14.7.93

Sh.Govardhan Lal Dhawan ... Applicant

v/s

U.O.I. & Others ... Respondents

FOR THE APPLICANT ... Sh.S.K.Gupta, counsel

FOR THE RESPONDENTS ... Sh.N.S.Mehta, counsel

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Hon'ble Member Sh.B.S.Hegde, Member(J)

(Qua/Judgement)

Delivered by Sh.B.S.Hegde, Member(J)

Heard the counsel for both the parties. As per direction of this Tribunal, the respondents furnished their official file for verification. However, on verification, the applicant has not been able to show any proof that he has paid the amount of Rs 8156.00 on 3.7.89. Sh. Mehta, the learned counsel for the respondents drawn my attention towards the total amount withheld regarding of Rs 4435.00 and Rs 5651.00 regarding commutation pension and Rs 1,000/- regarding suvey amount which has not been paid so far. In this connection, he has mentioned as per annexure R.I that panel rent has been charged from the applicant only from 8/87 till the vacation of the quarter (12.7.89) which comes to Rs 15,287.00.

Despite the verification of the various documents of the department, the applicant has not been able to show any proof in support of his contention that he has paid Rs 8,156.00 on 3.7.89.

Learned counsel for the applicant submits that keeping in view, the Supreme Court decision in Shiv Charan case V/s U.O.I. & Ors and the decision of this Tribunal in Madan Mohan V/s U.O.I. and Ors. case that Govt. dues cannot be deducted from DCRG amount and recovery of penal rent can be effected in accordance with law. Ld. counsel for the respondents concedes to accept that the total amount withheld regarding DCRG amount (4435/- and Rs 5651/-) regarding commutation pension and Rs 1,000/- regarding surety bond can not be withheld. In view of the Supreme Court decision and accordance with law they are inclined to release this amount to the applicant.

In the circumstances, applicant is entitled to get a sum of Rs 5651.00 regarding commutation pension and Rs 1,000/- as surety bond. As a consequence thereupon the respondents are within their right to claim penal rent from the applicant in accordance with law. In the facts and circumstances of the case, respondents are directed to release this amount to the applicant within a period of 2 months from the date of receipt of a copy of this order. There is no interest payable to the applicant for the delayed payment, since applicant has not paid the rent payable by him to the respondents in time.

Accordingly, OA is disposed of.


(B.S. HEGDE)
MEMBER (J)