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

Date of Decision: 03.09.92.

OA 37/92

S.C. KULSHRESHTHA

... APPLICANT.

Vs.

UNION OF INDIA & ANR.

... RESPONDENTS.

CORAM:

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

For the Applicant

... SHRI B.L. MADHOK,
proxy counsel for
SHRI B.S. MAINEE.

For the Respondents

... SHRI B.K. AGGARWAL.

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

JUDGEMENT (ORAL)

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

The counter has not been filed in spite of sufficient time has been granted to the respondents since January, 92. The learned counsel for the respondents again prays for further time. However, time is not allowed.

It is a case of a retired employee. The simple question involved in this case is that the applicant retired from the Railways on 31.5.90 while he was posted as Signal Inspector at the Railway Station, Tundla. The applicant has stated in the application that he was receiving the salary of Rs.2675/- and in support thereof

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he has filed a Salary Certificate annexed as Annexure A-1 with the application. Further, he stated that he has also vacated the railway quarter prior to his retirement on 14.5.90. It is also stated in the application that no disciplinary proceedings are pending against him.

Ordinarily as per the authority of Rule 2308 of Railway Establishment Code Volume-II and as well as Railway Pension Manual 310, the respondents could only retain 10% amount of the DCRG or Rs.1000/-, which is ^{less} ~~maximum~~. There is no justification to withhold the amount of DCRG for such a long period. The case of Padmanabhan Vs. State of Kerala, reported in AIR 1985 page 356, decided by the Hon'ble Supreme Court, clearly lays down the law on the subject that the amount of DCRG which falls due on the retirement is hard earned money of the long service the employee has put in and is not a bounty or a charity.

I do not find that there is any need to give further time to respondents because of the fact that the submissions made in the application remains un-rebutted and further a retired employee has to rehabilitate himself so the matter is decided without giving any further opportunity to the respondents to file reply. On the principles of equity and justice also, if the respondents could not file the reply for more than seven months then they have to blame themselves.

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In view of the above facts and circumstances, the respondents are directed to pay the whole amount of gratuity to the applicant within a period of three months from the date of communication of this order, with 10% interest less the amount of any outstanding dues on account of licence fee of quarter, electricity charges etc.

In the circumstances, parties to bear their own costs.

J. P. Sharma

(J.P. SHARMA)
MEMBER (J)
03.09.92