

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.409/1992

New Delhi, this 18th day of September, 1996

Hon'ble Mrs. Lakshmi Swaminathan, Member(A)

Shri Tek Chand Chaudhary  
s/o Shri H.L. Chaudhary  
A-389, Paschimpuri, New Delhi-63 .. Applicant

(Applicant in person)

vs.

Union of India, through

1. General Manager  
Northern Railway  
Baroda House, New Delhi

2. Divisional Railway Manager  
Northern Railway, Allahabad

3. Divisional Manager  
Northern Railway, New Delhi

4. FA& CAO *Baroda House*,  
Northern Railway, New Delhi .. Respondents

(Shri B.S. Jain, Advocate)

ORDER(oral)

The applicant, who has retired from service on 30.9.95 with the Northern Railway, is aggrieved that certain amounts due to him by way of gratuity and other retirement benefits, which have been withheld, have not been paid to him so far.

2. The brief facts of the case are that the applicant, while in service, was transferred to Kanpur from Delhi on 10.4.81 and he retired from service on 30.9.95, from there itself. He was allotted Railway quarter No.20/8, Kishan Ganj, which according to the respondents, he unauthorisedly retained while he was posted at Kanpur. He finally vacated this quarter on 12.8.96, i.e. nearly 12 months after his retirement.

19

3. The respondents have submitted that they had withheld certain amount from the DCRG on account of penal rent recoverable from the applicant for the unauthorised retention of the railway quarter from 10.4.81 to 22.9.86. According to them, after adjustment of the penal rent, all the dues have been paid to the applicant.

4. The applicant, however, submits that during the period of his retention of the quarter at New Delhi, normal rent for the above period had been deducted from his salary by the office at Kanpur and later on Delhi Office had also deducted penal rent for the same quarter for the same period. He, therefore, submits that in spite of several representations having been made to the respondents, none has looked into this part of the grievance, although he does not deny the fact that an amount of Rs.3200.61 P. on account of excess of penal rent and Rs.2,000/- on account of anticipated electricity charges for the said quarter have been returned to him by the respondents in 1987. However, Shri Jain, learned counsel for the respondents, submits that as seen from the extracts of R-III, normal rent deducted by the DRM, Allahabad for the period of October, 1981 to September, 1986 has already been taken into account in calculating the amounts due to the applicant, which have also been returned to him.

5. After hearing both the parties and after seeing the records, I am of the view that the details of the calculation of the penal rent deducted in respect of the quarter for the period in question placed in the O.A.

is not clear. The applicant is a retired person, who has apparently not been furnished with details of the calculations by the respondents of the amounts withheld, deducted and the amount refunded to him. Therefore, in the fitness of things, the OA is disposed of with the following directions:-

1. The applicant may give a detailed representation together with all annexures, showing the amount of rent deducted by the Kanpur office as well the Delhi Office in respect of the railway quarter No.20/8, Kishan Ganj, which he was in occupation from October, 81 to August, 86 to ~~the~~ Respondent 3 within a period of two weeks from the date of receipt of a certified copy of this order. Respondent 3 shall pass a detailed ~~for~~ speaking order giving the details of the calculation to the applicant within a period of two months from the date of receipt of the representation. In case any amount is due, the same shall be paid to the applicant within one month thereafter.

7. The OA is disposed of as above. No order as to costs.

*Lakshmi Swaminathan*  
(Mrs. Lakshmi Swaminathan)  
Member(J)  
18.9.1996

/gtv/