

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

(b)

D.A. NO. 795/92

DATE OF DECISION 14.8.92

Sh. Om Prakash Sharma

Applicant

Sh. Umesh Mishra

Counsel for the applicant

v/s

U.O.I. & Ors.

Respondents

Sh. R.L. Dhawan

Counsel for the respondents.

CORAM

The Hon'ble Member Sh.I.P. Gupta, Member (A)

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

JUDGEMENT (ORAL)

Heard, the learned counsels. The relief sought is for direction to be issued to the respondents to pay gratuity to the applicant with interest.

1. Learned counsel for the respondents stated that certain dues in regard to un-authorised occupation of government quarter were to be recovered. Furthermore, the applicant has not yet vacated the government accommodation, even after retirement in October, 1983.

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2. Keeping in view the directions given in case of Balbir Singh versus Union of India and Others O.A. 2792/91 the respondents are directed to release the death-cum-retirement gratuity after recovering the rent as due from the applicant on account of continued occupation of Govt. accommodation as early as possible preferably

within a period of four months. For having ^{kepr} ~~keeping~~ unauthorisedly Government accommodation a disciplinary case was also proceeded against him in which the penalty of reduction to a lower stage was imposed. Apart from that the applicant has either paid or will pay all dues in regard to quarter, as leviable according to rules.

3. As regards interest on the balance of this D.C.R. gratuity payable to him after adjustment of the dues, in the shape of rent Learned counsel for the respondents argued that in the case of Raj Pal Vahi versus Union of India and Others no interest was allowed SLP No. 7688-91 of 1988 decided on 27.11.89. This is not a case of administrative lapse on the part of the respondents and the payment was withheld in accordance with Railway Board's circular.

4. We fully agree with the Learned Counsel for the respondents that in this case no administrative lapse as such can be attributed and the judgement of the Apex Court in Vahi's case would not permit of any interest payment. However, the facts in this particular case are somewhat different. The applicant was awarded the penalty of reduction ^{to} lower grade also on the same ground of continued occupation of quarter. The respondents have also charged him penal rent/damage rent for unauthorised occupation of Government quarter. Having done that bit, it would be only just and fair

that on the balance amount payable to the applicant interest at 10% should be paid from a date three months after the gratuity became due. The balance gratuity should be paid after adjustment of the dues as directed above early preferably within four months and simultaneously the applicant should vacate the quarter. The interest will be payable only thereafter. These directions which are being given because of the special features of the case, specially the award of penalty of reduction to a lower grade for continued retention of Government accommodation apart from realisation of rent as per rules, would not be taken as a precedent in other cases in so far as interest payment on account of delayed release of death-cum-retirement gratuity for having not vacated Government accommodation is concerned.

I.P. Gupta
(I.P. Gupta)
Member (A)