

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
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CA No.810/92

Date of Decision : 08.09.1992

Smt. Kamini Mathur

...Applicant

Vs.

Union of India & Anr.

...Respondents

CORAM

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Shri S.K. Sawhney

For the Respondents

...Shri R.Senthanakrishnan  
proxy counsel for  
Shri Uday Kumar Sagar

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

JUDGEMENT (ORAL)

Smt. Kamini Mathur is the applicant, who retired as Section Officer, Northern Railway, Baroda House and during this period, she was in occupation of an allotted Railway premises No.D-37, College Lane, New Delhi. On retirement on 31.12.1987, the amount of DCRG standing in the name of the applicant has not been paid. In this application, the applicant has claimed that the gratuity be paid to her at the market rate of interest and the post retirement passes be also released, which have been withheld by the respondents. Notices were issued to the respondents-General Manager, Northern



Railway, New Delhi as well as the Financial Advisor and Chief Accounts Officer, Northern Railway. Shri R.Santhana Krishnan, counsel appeared as the proxy counsel for Shri Uday Kumar Sagar, representing the respondents. The respondents were given twice the opportunity to file the reply, but the same has not since been filed. The learned proxy counsel for the respondents orally argued the matter and gave a statement that the applicant has vacated the Railway quarter. The specific date is not known to the learned proxy counsel for the respondents, but the learned counsel for the applicant has given out the date as 27.3.1992. In view of this fact, the hurdle which was coming in the way of the respondents in not paying the DCRG, stands removed except their right to recover damages at the market rate from the applicant on account of unauthorised retention/possession of the said quarter beyond the prescribed period after retirement from the Railway service.

2. The learned proxy counsel for the respondents also argued that the service of the applicant did not qualify for

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the issue of post retirement passes falling short of the prescribed period, according to the Extant Rules applicable to employees of such nature for issue of post retirement passes.

3. The learned counsel for the applicant, however, stressed that there is a provision for relaxation of 5 years' service while considering the grant of post retirement passes.

However, the matter is left open to the respondents to consider the grant of post retirement passes according to the Extant Rules as laid down in para-1554 of the Indian Railway Establishment Manual. The application, is therefore, disposed of in the following manner :-

(a) The respondents are directed to release the DCRG less the amount of rent recoverable from the applicant for the period of occupation of the Railway premises till the date of vacation.

(b) The respondents shall be free to recover the damages/market rate of rent from the applicant according to the Extant Rules in view of the proceedings under Public Premises (Eviction of Unauthorised Occupants) <sup>Act 1971 and</sup> Amendment Act, 1980 and

the applicant shall be liable to pay the same.

- (c) The respondents shall also consider the case of the grant of post retirement passes as per para-1554 of the Indian Railway Establishment Manual.
- (d) In view of the fact that the applicant has retained the Railway quarter in an unauthorised manner, taking into account the case of Raj Pal Vahi Vs. Union of India decided by the Hon'ble Supreme Court, the applicant is not entitled to any interest on the withheld amount of DCRG.
- (e) In the circumstances of the case, the parties shall bear their own costs.

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*J. P. Sharma*  
(J.P. SHARMA)  
MEMBER (J)  
08.09.1992