

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

O.A. No. 1015/92

14.12.1992

Mrs. Neelima Taluqdar

...Applicant

Vs.

Union of India & Ors.

...Respondents

CORAM :

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

For the Applicant

...Sh.R.Doraiswamy

For the Respondents

...Sh.Gajraj Singh

1. Whether Reporters of local papers may be allowed to see the Judgement?

2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

The applicant, Ex Waterwoman, employed with the Deputy Director of Education was working in Government Girls Senior Secondary School, Ashok Nagar. She retired from service on 30.4.1990 on medical grounds. In this application, she has prayed that inspite of her retirement, she has not been paid the terminal gratuity; arrears due to increments granted after applicant was allowed to cross Efficiency Bar; commutation of pension; dearness relief on pension; balance of salary (pay and allowances), bonus etc. as due from 1985 onwards; refund of excess recovery of electricity and water charges.

The respondents contested the application and filed the reply. The applicant was also allotted the Government premises in the Government Girls Senior Secondary School staff

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quarter, Ashok Nagar. She has not vacated that quarter still, though she has retired in April, 1990. Shri Gejraj Singh, counsel appeared for the respondents. On instructions from the departmental representative, Shri. M.L. Arora, Superintendent of the said institution, the learned counsel for the respondents gave the statement that all the payment due to the applicant have been passed and sanctioned, but she has not yet vacated the staff quarter of the institution which continues to be in her occupation. It is also stated by the learned counsel that the applicant has not paid any amount towards the rent due against her after retirement though she has given in writing that the amount of arrears falling due on account of crossing the EB be adjusted against the house rent. The learned counsel also gave a statement that only normal licence fee for the said staff quarter is being charged. Regarding the amount of commutation of pension, the learned counsel for the respondents stated that the applicant has not filled up Form No.2, which is mandatory and the learned counsel for the applicant states that the applicant shall fill up the necessary form. The dearness relief on the pension and the balance amount of gratuity shall be paid to the applicant on the vacation of the quarter after adjusting the normal licence fee which fell due against her on account of non vacation of the said quarter even after retirement on 30.4.1990. Regarding the balance of salary and pension etc. it is stated by the learned counsel that no such dues are payable to the applicant. The Superintendent of the

institution who is also present stated that he himself has paid the bonus outstanding against the applicant and he has obtained due receipt from the applicant authenticating the said payment. This statement cannot be discredited. Regarding the relief for refund of excess charges on account of electricity and water, the learned counsel for the respondents stated that a consolidated amount of Rs.185 p.m. including the electricity as well as the water charges which is also the normal licence fee of the said staff quarter, is being charged and there has been no extra charge on account of electricity and water or on account of any penal rate of rent.

During the course of hearing, it has come out that actually Rs.150 was the HRA, which was not being paid to the applicant while she was in active service and some other nominal amount was being charged as given out by the son of the applicant, present along with the learned counsel for the applicant.

In view of the above facts and circumstances, the present application is, therefore, disposed of at the admission stage itself with the following directions:-

- (a) The respondents shall pay the outstanding amount of DCRG after deducting the normal licence fee which ~~was being~~ was charged from the applicant before her retirement, and pay the same to the applicant along with 10% interest till the date of payment.
- (b) The respondents, on completion of Form No.2 by the applicant, shall allow the commutation of pension to the applicant according to the Rules.

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(c) The respondents are also directed to release the dearness on the pension which has been withheld.

(d) The respondents shall comply with the above directions within a period of two months from the date of receipt of a copy of this judgment.

(e) If the above amount is not paid within the above period, the respondents shall pay further interest @12% p.a. on the outstanding amount on the date.

(f) The learned counsel for the applicant undertakes, on the assurance given by the son of the applicant, that they will vacate the quarter within two months simultaneously with the handing over the amount by the respondents. In case the quarter is not vacated by that date, the respondents shall be free to take proceedings in accordance with law and no interest will run on the amount of DCRG etc., as said above.

(g) No costs.

J. P. Sharma

(J.P. SHARMA) 14/12
MEMBER (J)
14.12.1992