

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. NO. 1269/93

New Delhi this 9th Day of September, 1994

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

Shri Jodha Ram,
S/o Shri Ram Lal,
R/o Village Gokalpur (Old),
Near Ice-Factory,
Delhi-110 094.

... Applicant

(By Advocate: Shri Umesh Gupta)

Vs.

1. The Secretary,
Land and Building Department
Delhi Administration, Vikas Bhawan,
Delhi-110 002.
2. The Director,
The Directorate of Education,
Old Secretariat,
Delhi.
3. Delhi Administration, through its
Chief Secretary,
5 Alipur Road,
Delhi-110 054.

... Respondents

(By Advocate: Shri B.S. Gupta)

O R D E R

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

The applicant retired as Vice Principal from Govt. Boys Secondary School, New Seemapuri, Delhi. The grievance now surviving to the applicant is non-release of Rs. 7,000/- by the respondents which have been withheld from the amount of DCRG payable to the applicant on his retirement from service. He has prayed for the grant of this amount alongwith the interest @ Rs. 18/- per annum.

2. The respondents contested this application and stated that the amount of Rs. 7,000/- has been ordered to be released by the Pay and Accounts Officer by the order dated 4.7.1994. The applicant is not entitled to any interest.

(3)

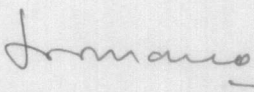
3. Heard the learned counsel for the parties. In fact the amount of Rs. 7,000/- was withheld by the respondents on account of the fact that the Land and Building Department did not issue 'no demand certificate' because there were certain arrears calculated at penal rates for the unauthorised retention of the Government premises No. 301-C, Timarpur.

It is contended that earlier the applicant was allotted Flat No. 20-D Timarpur but the applicant had let out that premises. That allotment was cancelled by the order dated 12.3.1984 on the representation of the applicant dated 16.3.1985. Flat No. 301-C was allotted but subsequently it was found that the applicant obtained the allotment by concealing the fact that the allotment of earlier allotted quarter i.e. 20-D was cancelled on the ground of sub-letting. The allotment amount with respect to Flat No. 301-C was also cancelled on the ground of sub-letting by the order dated 25.4.1986. The applicant vacated that quarter on 31.5.1986. When the applicant applied for 'No Demand Certificate' on 14.1.1988 then the fact came to light and the Department of Land and Building has shown an arrear of Rs. 6,797/- against the applicant because of levying of penal rent. However, it appears from the record that subsequently on the representation of the applicant during the pendency of this application on 21.12.1993 the order dated 12.3.1992 for cancellation of the quarter has been withdrawn. Further by the order dated 8.4.1994 the order dated 25.4.1986 regarding the cancellation of Flat has also been withdrawn. In view of the above facts the non-payment of Rs. 7,000/-, the balance amount of DCRG becomes totally unfounded. There was no basis to hold that payment and the applicant shall be entitled to the grant of interest on this amount.

4. In view of the above facts and circumstances the application is partly allowed and the respondents are directed



to pay interest on the withheld amount of DCRG of Rs. 7,000/-
@ 12% per annum till the date of payment. The interest will
be paid from the date when the amount was withheld and the
balance amount of DCRG was paid to the applicant.
Costs on parties.


(J.P. Sharma)
Member(J)

Mittal