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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
.....

O.A. No. 2148/93.

New Delhi, this the 12th day of April, 94.

SHRI J.P. SHARMA, MEMBER (J).

Shri Hari Mohan Bassi,
s/o Shri Pearey Lal,
r/o No.1085, GH/5&7, Paschim Vihar,
Delhi-110041. ...Applicant

By advocate : Shri S.M.Rattanpaul.

Versus

1. Union of India, through
General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
D.R.M.'s Office, State Entry Road,
New Delhi.
3. The Divisional Superintending Engineer (Estates),
Northern Railway,
D.R.M.'s office, State Entry Road,
New Delhi.
4. The Divisional Personnel Officer (Settlement),
Northern Railway,
D.R.M.'s Office, State Entry Road,
New Delhi. ...Respondents

By advocate : Shri H.K.Gangwani.

ORDER (ORAL)

The applicant retired from the railway service on 30-4-92. He was in occupation of the railway quarter no.C-II/I, Railway Colony, Lajpat Nagar, New Delhi. He was normally allowed to retain the quarter for four months after retirement, i.e., upto 31-8-92. On medical grounds, he was given permission to retain this quarter on double the usual rent for a further period of four months, i.e., till 31-12-92. The applicant, however, did not vacate the quarter but made another

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request on medical grounds to the respondents for retention of the said quarter for a further period of six months. The applicant, it is contended, was under the impression that since he has not been informed about the rejection of his request, so he continued to occupy the same. Ultimately, the applicant received a letter of rejection on 4-5-93 asking him to vacate the quarter within ten days^{for} which the applicant 21 days to vacate the quarter, i.e., he vacated on 21st May, 1993. The applicant, therefore, prayed that he should be paid the amount of D.C.R.G. amounting to 30,525/- along with 18 per cent interest and that post-retirement passes which have not been given may be directed to be released by the respondents. A security deposit of Rs.300 in Pass Book No.2452401 of Nizammudin Post Office after clearing the pledge in the name of Divisional Accounts Office, New Delhi be also directed to be released in favour of the applicant.

2. The respondents contested this application and the only objection to non-payment of D.C.R.G. was that the applicant did not vacate the government premises after his retirement and when that sanction period of retention lapsed.

3. I heard the learned counsel for the parties at length and perused the records. The only issue involved in this case is whether the respondents can withhold the payment of DCRG on account of retention of railway quarter beyond the period authorised under rules. The Hon'ble Supreme Court has considered the matter in the case of Shiv Charan versus Union of India reported in

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1992 ATC Vol. 19 p.129 where it has been held that the respondents shall be free to recover rent/damages for retention of the railway quarter and the applicant shall be paid DCRG. Payment of DCRG is a separate matter than retention of the railway quarter by a retiree. The respondents have every right to recover damages under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. In case of non-payment of DCRG after retirement, the applicant is entitled to interest. However, in the case of Raj Pal Wahi versus Union of India, the Hon'ble Supreme Court did not grant the relief of interest in view of the fact that the allottee/retiree retained the government accommodation beyond the sanctioned period. However, the case in hand is different. When the applicant has vacated the premises on 25-5-93, the respondents have no right to withhold DCRG any more. It is surprising that almost a year has ~~to~~ come after vacation of the quarter and still the DCRG has not been paid. The contention of the learned counsel for the respondents is that the quarter should have been vacated by 31-12-92 but in this case the applicant has over-stayed for five months and 25 days without any sanction. The applicant, however, has a grievance in this respect that when he has made a request for further extension of six months on medical grounds, he was not conveyed any time the rejection of his request and under the impression that as earlier the sanction was granted, the respondents may also have sympathetically considered the second extension. The moment he received the vacation order, in the least time he vacated the premises, This,

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therefore, cannot be said to be a case where the applicant has retained the government premises deliberately. There may be some fault on his part in not being vigilant to enquire about the result of his further extension and there may be some truth in the contention of the learned counsel for the respondents that the applicant was avoiding to get the necessary information from the respondents which he should have pursued personally. However, in the present case, the rejection of the request was made by the respondents themselves after ^{a period} ~~grant~~ of four months. Thus, the retiree government servant cannot be solely at fault as the administration is also equally at fault.

4. Regarding the release of post-retirement passes, now that is due to be released as the accommodation has already been vacated in May, 1993. As regards the release of security amount, there is no objection by the respondents.

5. The application, therefore, is disposed of with the following directions :-

(i) The respondents are directed to pay the DCRG amount to the applicant within a period of one month from the date of receipt of a copy of the judgment, with 12 per cent interest on the amount till the date of payment. The interest will run from 1-6-93.

(ii) The applicant shall pay the normal licence fee for four months after retirement and double the licence fee till the vacation of the quarter, i.e., upto 25-5-93. The amount can be deducted from the amount of D.C.R.G. as the counsel for the applicant has no objection. In that event, the respondents need not resort to the

proceedings under Public Premises (Eviction of
Unauthorised Occupants) Act, 1971.

(iii) The respondents to release the post-retirement
passes with effect from the current year.

(iv) The security deposit in Pass Book No.2452401
under the Nizammudin Post Office may also be released.

No costs.

J. P. Sharma

(J.P. SHARMA)
MEMBER (JUDICIAL)

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