

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

(3)

O.A. No. 725/93

DATE OF DECISION 21-4-93

U.O.I. & Others

....

Applicant

v/s

Bodh Raj & Another

....

Respondents

FOR THE APPLICANT

....

Sh.R.L.Dhawan, Counsel

FOR THE RESPONDENTS

....

Sh.Pratap Rai, counsel

CORAM

Hon'ble Member Sh.B.S.Hegde, Member(J))

ORAL JUDGEMENT

[delivered by Sh.B.S.Hegde, Member(J)]

Sh.R.L.Dhawan, counsel for the applicant draws my attention to two documents that are annexures A-8 & A-9 the same are not on records. He has also agreed to supply the copies to the Respondents counsel. Sh.Dhawan further submits, that the Labour Court order dated 8-5-92 is not a valid order and not in accordance with the relevant rules, stating" that the Management has been given an option to either pay him gratuity deducting normal rent without interest on gratuity or charge normal penal rent and pay interest @ 12% on the gratuity to the applicant. No doubt the applicant is in occupation of the accommodation unauthorisedly.

With the consent of both the counsel for the parties and keeping in view of the Labour Court order, the respondents are hereby directed to release the gratuity amount subject to the regularisation of the penal rent payable

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by the occupant and make the payment of the same or make a request to the Authority to adjust the penal rent amount out of the amounts payable towards gratuity as he deems fit within two months from the date of receipt of this order.

The payment of gratuity amount and the recovery of the penal rent from the applicant should be simultaneous and on receipt of the same by the applicant, he should vacate the quarter immediately thereafter.

In the light of the above, this O.A. is disposed of but no order as to costs.

B.S. Hegde
(B.S. HEGDE)
MEMBER (J)