

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 21st DAY OF AUGUST 1997

Original Application No.264 of 1997

HON.MR.S.DAS GUPTA, member 9a0

HON.MR.D.C.VERMA, MEMBER(J)

Gorakh Prasad Srivastava, son of late
Lalta Prasad Srivastava, Retd. R.G.S.M
C.T.E., R/o Sector 19/279
Indira Nagar, Lucknow.

.. Applicant

(By Advocate Shri N. Mohan)

Versus

1. Union of India, through its
General Manager, North Eastern
Railway, Gorakhpur.
2. Additional Divisional Railway
Manager, Varanasi
3. Enquiry Officer/H.Q North
Eastern Railway, Gorakhpur,
4. Divisional Safety Officer
North Eastern Railway, Varanasi

.. Respondents

(By Advocate Shri P.Mathur)

O R D E R(Oral)

HON.MR.S.DAS GUPTA, MEMBER(A)

This application was filed by the applicant feeling aggrieved by an order dated 8.11.89 by which the respondents had decided to withhold 70% of the DCRG amount. The applicant has sought quashing of the order and payment of with-held amount of DCRG together with interest @ 24%.

2. The case was taken up for hearing at the admission stage itself with the consent of both the parties. We have gone through the pleadings on record. The applicant has brought on record copy of an order dated 27.2.97 issued by the respondents as Annexure RA-1 to the rejoinder. In this order it has been stated that order with-holding 70% of DCRG payable to the applicant was wrong as the applicant having been already retired, it was necessary to obtain Presidential sanction for such withholding of DCRG amount and no such sanction was actually taken. The order dated 8.11.89 has

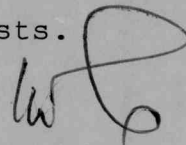
accordingly been cancelled.

3. The learned counsel for the respondents conceded that the aforesaid letter has actually been issued. Since the impugned letter itself has been cancelled there is nothing *further* for us to adjudicate. Since however, the respondents themselves have stated that the amount of DCRG was wrongly withheld, we direct that the 70% of the DCRG which was withheld shall be paid to the applicant within a period of four weeks from the date of communication of this order together with interest @ 15% per annum from a date one month after the date of retirement till the actual payment thereof.

4. The parties shall bear their own costs.



MEMBER(J)



MEMBER(A)

Dated: 21st August, 1997

Uv/