

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 904 of 1997

Allahabad this the 04th day of April, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Ganga Singh, aged about 71 years, Son of Late Sarju Singh, Resident of Phulwaria, Post Office Phulwaria, District Varanasi.

Applicant

By Advocate Shri Vinay Kr.Srivastava.

Versus

1. Union of India through its General Manager, Northern Railway, Baroda House, New Delhi.
2. Senior Divisional Commercial Superintendent, Northern Railway, Hazratganj, Lucknow
3. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
4. Senior Divisional Accounts Officer, Northern Railway, Lucknow.

Respondents

By Advocate Shri Prashant Mathur

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

After his retirement as Senior Goods Clerk Kashipur in the year 1983, the applicant was paid his retiral benefits except a sum of Rs.13,543-12P., for which he noticed the respondents under Section 80 C.P.C. The reply of which has been annexed as annexure-2 to the O.A. and is dated 03.09.85. According

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to which a sum of Rs. 13,543.12 was withheld from the amount of D.C.R.G. ^{on account-} ~~for want~~ of commercial debt. Being aggrieved by this position, the applicant has come up seeking relief to the effect that the respondents be directed to make payment of this withheld amount alongwith other dues of transportation charge at the time of retirement, Group Insurance, Leave Encashment as are admissible under rules with ^{interest} ~~penon~~ thereon at the rate of 18% per annum.

2. The respondents have contested the case filed counter-reply with the specific mention that all retiral benefits have been paid to the applicant at due time of its maturity and some amount has been withheld for non-clearance of commercial debt.

3. Heard counsel for the parties and perused the record.

4. Now it is a settled position, as per pleadings from either side, that all retiral benefits of the applicant have since been settled and only some amount has been withheld on account of commercial debt which can be paid, as per rules in this regard, after clearance from the side of the applicant. No doubt the applicant has to clear his position before claiming D.C.R.G. and it can be paid only when there ^{is} ~~is~~ no commercial debt ^{remains}.

5. For the above, the O.A. is decided

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with the following direction;-

"the respondents are directed to furnish the details in respect of ^{Commercial} ~~debt~~ debt for which a portion of D.C.R.G. has been withheld. It be done within 3 months from the date of communication of this order and thereafter applicant will clarify the position within a month and if some amount is found for which the applicant is entitled, same be paid to him within a month thereafter.

No interest, no cost."

Selraj
Member (J)

/M.M./