

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 8th DAY OF DECEMBER, 2000

Original Application No.391 of 1998

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

A.R.Tripathi, son of Shri S.R.Tripathi  
R/o 237/A Railway Colony,  
Kanpur Central, Kanpur.

... Applicant

(By Adv: Shri Arvind Kumar)

Versus

1. union of India through the  
General Manager, Northern Railway  
Baroda House, New Delhi.
2. Divisional Railway manager  
Northern Railway Allahabad.
3. Divisional Personnel Officer,  
Northern Railway, Allahabad.

...Respondents

(By Adv: Shri Prashant Mathur)

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi)

It appears that the applicant was serving in the Railways as Ticket Collector and from this post he retired on 31.7.1997. By this OA applicant has prayed that respondents may be directed to pay retiral benefits including Provident Fund, Gratuity, Pension etc.

Shri prashant Mathur learned counsel appearing for the respondents has submitted that applicant has been retaining the possession of the railway quarter unauthorisedly, hence the retiral benefits could not be paid to him. It is also submitted that the unauthorised retention of the quarter is for more than five years. Learned counsel also placed reliance in the judgement of Principal bench of this Tribunal in a case of 'Ram Poojan Vs. Union of India and Ors (1996) 34 ATC pg 434 and submitted that no order cancelling allotment

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was necessary<sup>and</sup> applicant's possession became unauthorised after his transfer to other place.

Shri Arvind Kumar learned counsel for the applicant on the other hand, submitted that Hon'ble Supreme Court has already made the legal position clear that retiral benefits cannot be withheld on the ground of unauthorised retention of the accommodation allotted to the employee during service. Learned counsel has also submitted that during this period no notice whatsoever was served on him to vacate the quarter.

considering the facts and circumstances, in my opinion, the dispute between the parties can be brought to an end by directing the applicant to vacate the Railway Quarter, if already not vacated, within a period of four months. The respondents shall pay the retiral benefits to the applicant during this period.

There will be no order as to costs.

  
VICE CHAIRMAN

Dated: 8.12.2000

Uv/