

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 24TH DAY OF MARCH, 2003

Original Application No.08 of 1998

CORAM:

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

Mangal Prasad, a/a 68 years,
S/c Shri Brahmadeo retired as
Commercial Superintendent working
at Deoria Sadar, R/o Railway Q.No.
14 T Railway Station colony, Deoria.

.. Applicant..

(By Adv: Shri B.Tewari)

Versus

1. Union of India through the
General Manager, N.E.Railway
Gorakhpur.
2. Divisional Rail manager,
N.E.Railway, Varanasi.

.. Respondents

(By Adv: shri Lalji Sinha)

O R D E R (Oral)

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

By this application u/s 19 of A.T.Act 1985, applicant has challenged the order dated 6.8.1997(Annexure 1) by which amount of Rs 16,684/- has been deducted from the amount of gratuity payable to the applicant on retirement.

The facts of the case are that applicant retired from Railways as Commercial Superintendent on 31.1.1987. The applicant was allotted Qr.No.14-T Station colony, Deoria, which was not vacated by him after retirement and for this reason the amount of gratuity was with-held by respondents. Applicant filed OA No.922/91 in this Tribunal which was decided on 1.10.1991 by this Tribunal and the respondents were directed to pay all his arrears of amount, a copy of the order dated 1.10.1991 has been filed as (Annexure 2). Against the order of this Tribunal

respondents filed SLP No.2316-17 of 1994 before Hon'ble Supreme court, which was disposed of finally on 19.2.1996 by following order:

"The learned counsel for the respondent states that he will vacate the quarter against payment of retiral benefits. Both the things must happen simultaneously.

In view of this statement we see no reason to entertain those petitions. Hence, disposed of."

After the aforesaid order of Hon'ble Supreme Court respondents passed the order dated 16.8.1997 releasing the amount of gratuity after deducting the rent from 1.2.1986 to 12.4.1996. Thus, as the amount of rent has been deducted I do not find any illegality in the order and no interference is required.

Shri Tewari however, submitted that respondents have illegally deducted Rs 571/- from the amount. In counter no justification has been mentioned about this amount though it has been deducted from the amount ^{of gratuity}. In para 7 of the counter this amount has been mentioned, ^{but} ~~the~~ nature of liability with regard to amount has not not been disclosed. In the circumstances, the submission of counsel for applicant appears to be justified.

The OA is accordingly disposed of finally with the direction to respondent to pay Rs 571/- to the applicant within two months from the date a copy of this order is filed before respondent no.2. There will be no order as to costs.


VICE CHAIRMAN

Dated: 24th march, 2003

Uv/