

(42/1)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration O.A. No. 686 of 1988

(6)

Munshi Lal ... .. Applicant.

Versus

Union of India

and another. ... .. Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Chayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant's father who was a Driver Grade-A, retired from service on 28.2.1983. The applicant was appointed in the Railway Service a cleaner in the year 1978. He was promoted as Fireman-C w.e.f. 28.3.1985. The applicant applied for sharing of accomodation with his father on 5.5.1982 in Railway Quarter No. H.L-34-A Type, II which was allotted to him on 3.6.1982. On 28.3.1985, when the applicant has got promotion on Fireman-C his father made a request that the said quarter be allotted to his son w.e.f. 8.10.1985 vide letter dated 8.10.1985. The applicant's father was due to get gratuity at the time of his retirement on 28.2.1983 which was not paid to him because he was in unauthorised occupation of the Railway Quarter after his retirement, therefore, a sum of Rs 10,000/- was deducted from his gratuity as penal rent of the quarter. The applicant's son applied for sharing of the quarter with his father, and even if, he was not entitled to the same, but the Railway Administration allowed him to share

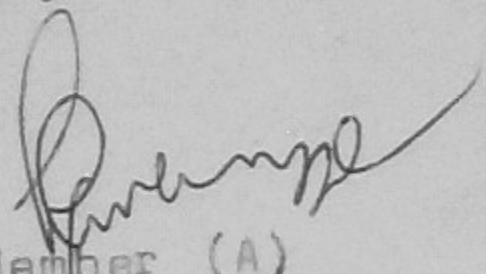
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the quarter and it was formally allotted finally (7) in the name of the applicant in the year 1985 and if the son was allowed to share with the accommodation of his father, the occupation of the father will not be unauthorised, and penal rent could be charged only from an unauthorised occupants and not from any other person, as such the deduction from the gratuity is uncalled for.

2. Accordingly, the respondents are directed to release the amount of gratuity which has been upheld by the respondents within a period of 2 months from the date of communication of this order, and the respondents are also directed to release his passes which have wrongly been withheld by them with retrospective effect. He is also entitled to the interest at the rate of 5% till the date of payment. The applicant is disposed of with the above terms. No order as to costs.

  
Member (A)

  
Vice-Chairman

Dated: 27.7.1992

(n.u.)