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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

Registration O.A. No. 155 of 1992

Lallan Jha Applicant.

Versus

Union of India,
and others Respondents.

(Delivered by Hon. Mr. Justice U.C. Srivastava,
Vice-Chairman)

The applicant who was appointed as 'European Scale Fireman-A' on 5.8.1974 was retired from service on 31.1.1988 from the post of Assistant Mechanical Engineer Northern Eastern Railway, Gonda. According to the applicant between the year 1983 to 1988, he was transferred many times and was posted at several places and as a result of which, it was not possible for him to shift his family members at Gorakhpur as his sons and daughters were studying there and no quarter was allotted to him at the places where he was transferred. Although, specifically he applied for allotment of quarters when he was transferred to Sonepore, Samastipur and Varanasi but even then, he was not allotted the same at these places and it was, in these circumstances, he had no option but to retain the quarter which was allotted to him at Gorakhpur and for five years, normal rent was charged from him. After the retirement of the applicant, while other emoluments and pensionary benefits had been paid to him but on 29.1.1988 a sum of Rs. 8040 has been withheld from his DCRG without being given any opportunity to him.

2. The applicant should have been deprived from

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his pensionary benefits only in accordance with law and not otherwise. Pension and Pensionary benefits cannot be linked with the rent of the quarter because these two thinks are separate. In case, there was anything due against him and the applicant is liable to pay the penal rent, for that a separate proceedings were to be taken against him but for that his gratuity could not have been withheld.

3. Accordingly, this application deserves to be allowed and the respondents are directed to pay the withheld amount to the applicant within a period of three months from the date of communication of this judgment with 10% interest. It is open for the respondents to take proceedings against the applicant in accordance with law for realising the penal rent, if he is liable for the same. No order as to the costs.



Vice-Chairman

Dated: 23.11.1992

(n.u.)