

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD

DATED: THE 18th DAY OF FEBRUARY 1999

CORAM : HON'BLE MR. S.DAYAL, A.M.

ORIGINAL APPLICATION NO.1906 OF 1994

R.N.P.Gupta S/o Late G.C.Prasad Gupta R/o 1231C  
Netajee Subhash Road, Calcutta-1.

... Applicant

C/A Shri S.K.Misra  
Shri S.K.Day

Versus

1. Union of India through the General Manager,  
Eastern Railway, Netajee Subhash Road,  
Calcutta-1.
2. The Divisional Railway Manager, Eastern Railway,  
Moghalsarai, District Varanasi.

.... Respondents

B/R Shri D.C.Saxena, Adv.

ORDER

BY HON'BLE MR. S.DAYAL, A.M.-

This is an application filed under section 19 of  
the Administrative Tribunals Act 1985 for seeking the  
following relief:

1. A direction to the respondent to make payment of  
D.C.R.G. Commutation of Pension, leave encashment, packing  
allowance and complimentary pass. 2. A direction to the

respondents to make a recovery of normal rent in respect of quarter no.1231C Manas Nagar.

3. The applicant has mentioned in Paragraph no.4 that he retired as Chief Traction Foreman from the Eastern Railway Moghalsarain 31.1.94. He was paid only his Provident Fund amount and provisional pension after his retirement. He has not yet been paid his gratuity, leave encashment, commuted value of pension and packing allowance. He claims to retain the quarter because of non payment of retirement dues. He mentions that his order for gratuity has been passed on 20.1.94 but the amount of gratuity has not been paid. He mentions that after expiry of three months, the entire amount of retirement dues is liable to be paid with interest. He further mentions that an enquiry is being conducted against him. He sought extension of retention of quarter but that was not allowed beyond the extra time already granted. He is also not being granted any complimentary passes.

4. The arguments of Shri S.K.Misra and Shri K.N.Katiyar proxy to Shri D.C.Saxena counsel for the respondents have been heard. The respondents in their counter reply have mentioned that the non payment of retirement dues have been due to pendency of the case before the Vigilance ~~case~~. The second reason given for non payment of retiral benefit is non vacation of quarter allotted to the applicant.

5. The learned counsel for the applicant has shown vide Annexure R.A-1 to his rejoinder that the enquiry was completed by the Vigilance Officer as far back as 25.3.94 when he was asked to submit his reply in defence. Therefore, non payment of retiral benefits can <sup>now</sup> be defended on this ground. The brief holder <sup>-ed</sup> who appear for the respondent, has not mentioned as to what has been the final out come of the enquiry.

The applicant has also shown in Annexure R.A.2 that Quarter No.1231C Manas Nagar Colony was vacated on 3.1.95. The applicant has also through an annexure shown that he was allowed to retain the quarter from 1.2.94 to 31.5.94 and again on medical ground from 1.6.94 to 30.9.94. Thus, if there is any retention of quarter involved in this case on unauthorised basis, it is not for a period exceeding 3 months and a couple of days. To have denied the payment of retiral dues to the applicant till date on these grounds cannot be understood. If no punishment has been awarded to the applicant on the basis of departmental enquiry which is said to have been completed by the Enquiry Officer before 25.3.94, the respondents are directed to make payment of the amounts of D.C.R.G., leave encashment, commuted value of pension, packing allowance and issue of complimentary passes which had fallen due to be paid to the applicant on his super-annuation. The respondents are also directed to make this payment along with an interest of 15% on the amount which had fallen due from the date of the filing of the O.A., i.e. 23.12.94. The respondents shall pass an order <sup>for compliance</sup> within three months from the receipt of the copy of this order. No order as to costs.

  
MEMBER (A)

Gc