

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**ORIGINAL APPLICATION NO,585 OF 2007.
DATED THE 10TH DAY OF FEBRUARY, 2009**

CORAM:

HON'BLE SHRI GEORGE PARACKEN, JUDICIAL MEMBER

V Mohammed
Retired Passenger Driver,
Southern Railway, Shornur
Palghat Division.
Residing at : Vadakkethil House,
Aloor, Pattithara Post, (Via)Trithala,
Palakkad District – 679 534. Applicant

By Advocate Mr.T C G Swamy

V/s

- 1 Union of India represented by
The General Manager,
Southern Railways,
Headquarters Office, Park Town P.O.,
Chennai-3.
- 2 The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division
Palghat.
- 3 The Senior Divisional Finance Manager,
Southern Railway, Palghat Division
Palghat Respondents

By Advocate Mr Sunil Jose

This application having been heard on 10.02.2009 the Tribunal on the same day delivered the following

(ORDER)

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has filed this OA seeking the following reliefs:-

- "(i) Declare that the applicant is entitled to the Leave Salary, Transfer & Packing allowance and Productivity Linked Bonus for the period from 1.4.95 till the date of his compulsory retirement and direct the respondents accordingly;
- (ii) Declare that the applicant is entitled to have his gratuity



calculated by adding 97% of dearness allowance pay (which would form part of the emoluments for calculation of the applicant's gratuity) and direct the respondents accordingly;

(iii) Declare that the applicant is entitled to have his commuted value of pension as calculated in Annexure A5 and direct the respondents to grant the same forthwith;

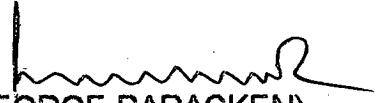
(iv) Award costs of and incidental to this application;

(v) Pass such other orders or directions as deemed just fit and necessary in the facts and circumstances of the case."

2 Replies/additional replies have been filed by respondents. Counsel for the parties have submitted that during pendency of this OA, most of the grievances of the applicant were met by the Respondents and the only surviving grievance is in respect of the receipt of a cheque for Rs. 6,121/- issued by the respondent and the recovery of Rs.8,663/- made from the applicant on account of rent/damages for the Railway accommodation allotted to him. In para-3 of the additional reply filed on 26.11.2008, the respondents have submitted that a cheque bearing no.046636 dated 28.11.07 for Rs.6,121/- has already been issued for crediting in his A/c No.25749 at Canara Bank, Thrithala. In para-4 thereof, they have also stated that he is liable to pay Rs.8,663/- towards rent/damage rent for the accommodation occupied by him from beyond the permissible period.

4 Learned counsel for applicant Shri Swamy has submitted that the aforesaid cheque for Rs.6,121/- has so far not been credited to the applicant's account. He has also submitted that the damage rent of Rs 8663/- could not have been recovered from the Applicant. Learned counsel for respondents has submitted that if there is some mistake in the account no., etc. of the applicant, the same can be corrected but his liability for payment of rent/damage rent for the Railway accommodation occupied by him cannot be questioned in this OA as there are no such averments or prayer to that effect. Learned counsel for applicant has therefore, submitted that he will make an appropriate representation to the respondents in this regard for their consideration.

5 In view of the above facts and circumstances of the case, this OA is disposed of with a direction to the respondents to check whether the amount of Rs.6,121/- issued vide Cheque No.046636 dated 28.11.07 has actually been debited from their account and if so whether it has been credited to the applicant's account. If there is any discrepancy in the matter, the respondents shall rectify the mistake and issue a fresh cheque for the aforesaid amount immediately, in any case, within one month from the date of receipt of copy of this order. As regards the amount of Rs 8,663/- recovered as rent/damage rent is concerned, the applicant may make a representation to the respondents. On receipt of such a representation, it shall be considered in accordance with the rules and a reply indicating the details of the recovery made for different period shall be given to him. If any excess amount has been recovered, the same shall be refunded to the applicant. There shall be no orders as to costs.


(GEORGE PARACKEN)
JUDICIAL MEMBER

abp