

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Original Application No. 544 of 1992 (L)

Girdhar Gopal Applicant

Versus

Union of India & others Respondents

Hon'ble Mr. S.N. Prasad, J.M.

1. The applicant has approached this Tribunal for directing to the respondents to pay to him a sum of Rs. 200/- (cost of room heater) together with penal interest upto the date of payment to the applicant.

2. Briefly stated the facts of this case, interalia are that the applicant had been working as Asstt. Audit Officer, Northern Railway, Lucknow & retired from service on 31.1.1990. As the Govt. accommodation was vacated by the applicant on 10.8.90, the applicant requested the respondent to make payment of Gratuity after deducting rent from 1.2.90 to 9.8.90 and electric consumption charges. The respondents while issuing instructions to F.A. & C.A.O. N. Rly., Baroda House, New Delhi (vide letter dated 25.10.90, Annexure-II) directed to make payment of gratuity after recovering the amount of Rs. 3000/- as detailed in the application including the cost of room heater amounting to Rs. 200/-

3. The main grievance of the applicant appears to be that a sum of Rs. 200/- was deducted from his gratuity allegedly on account of non-return of room heater to the respondents while vacating the accommodation which was in possession of the applicant.

4. It has further been stated that after rejection of his representation, the applicant has filed this application.

5. I have heard the applicant who has appeared in

and have also heard the learned counsel for the respondents.

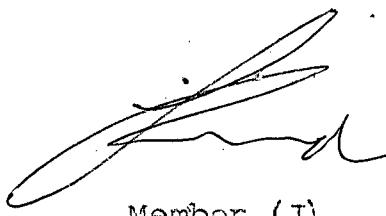
6. In the short counter reply it has been contended that a recovery of Rs. 200/- from the applicant's Death-cum-Retirement Gratuity was made on 14.11.90 which is equivalent to the cost of room heater issued to the applicant for office use. However, the matter was reconsidered by the respondent and a sanction for refund of Rs. 200/- to the applicant has been made which was recovered from the applicant's Death-cum-Retirement gratuity (vide Annexure No. C-1) and a cheque No. E-095447 dated 5.5.93 for Rs. 200/- has been issued in the name of the applicant and as such the application of the applicant is liable to be dismissed.

7. The applicant has received the aforesaid cheque No. E-095447 in court room. Though, the main relief sought for by the applicant for refund of the said amount of Rs. 200/- has been redressed on the receipt of the said cheque by him for sum of Rs. 200/-; the applicant has urged that cost be awarded to him in this case, as he was compelled to file this application, though the matter would have been resolved and the applicant should have been paid the amount earlier.

8. The learned counsel for the respondent while drawing my attention to the contents of the application and to the papers annexed thereto has argued that Annexure-5 (which is copy of the letter dated 15.1.1991 from Principal Director, Audit Examination, Baroda House, New Delhi) shows that as per investigation made by Principal Director, Audit Examination, N. Rly. Baroda House, New Delhi the sum of Rs. 200/- was to be recovered from the applicant. But, later on with a view to tide over all the eventualities a liberal attitude was adopted and matter was reconsidered and a sanction for refund of Rs. 200/- to the applicant has been made and as such the applicant is not entitled for any cost.

9. Having considered all the facts and circumstances of the case and all aspects of the matter, I find it expedient that keeping in view the circumstances of the case, the parties ~~are~~ ^{be} directed to bear their own costs.

10. The application of the applicant is disposed of as above and the parties are directed to bear their own costs.



Member (J)

25.5.93

Lucknow.

Dated 25.5.93

(g.s.)