

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(7)

O.A. NO: 539/87

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~~xxxxxx~~

DATE OF DECISION 23.9.92

P G Chand

Petitioner

Mr. E K Thomas

Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Mr. G. Nilkanth

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S K Dhaon, Vice Chairman

The Hon'ble Mr. M Y Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO. 6
PRESKOT ROAD, BOMBAY-1

OA No.539/87

Pyarelal Gyan Chand
Rani Apartment
A Wing; flat no.3
Ram Baugh; Lane no.4
Opp. Mudik Bldg.,
Near Balaka Society
Kalyan; Thane Dist.

..Applicant

v/s.

1. Union of India
through Secretary
Ministry of Railways
Rail Bhavan
Parliament street
New Delhi
2. General Manager
Central Railway
Bombay VT

..Respondents

Coram: Hon. Shri Justice S K Dhaon, V.C.
Hon. Shri M Y Priolkar, Member(A)

APPEARANCE:

Mr. E K Thomas
Counsel
for the applicant

Mr. G. Nilkanth
Counsel
for the respondents

ORAL JUDGMENT: DATED: 23-9-92
(Per: S K Dhaon, Vice Chairman)

The applicant retired from the service of Central Railway on 1.4.1981. He had been allotted a Railway Quarter at Kalyan and upon his retirement he failed to vacate the same. The gratuity payable to him was withheld. The complementary passes which

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were permissible to him under the relevant rules were also withheld. Therefore, he approached this Tribunal by means of this application.

2. Shri Nilkanth has put in his appearance on behalf of the respondents and he has been heard in opposition ~~to~~ this application.

3. Learned counsel of the applicant states that the applicant vacated the aforementioned quarter on 11.1.1988. If that be so, the respondents were not justified at all in retaining the entire gratuity payable to the applicant, atleast from the date when the applicant vacated the quarter. The respondents shall now pay to the applicant the entire amount payable to him by way of gratuity deducting after ~~1/2~~ such amount which may be payable by the applicant to the Railways towards the rent/ damages for being in occupation of the afore said railway quarter. The applicant is also entitled to be issued the complementary passes as permissible under the rules. Respondents shall make necessary payment of gratuity within a period of two months from to-day. The respondents shall also be liable to pay interest at the rate of 10% on the amount of gratuity withheld by them from ~~the date of expiry of three months~~ from 11.1.1988. They shall pay the interest also within the aforesaid period of two months.

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With these directions this application
is disposed of finally, but without any order as to
costs.

Sh

(M Y Priolkar)
Member(A)

(S K Dhaon)
Vice Chairman

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