

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 302/88

199

T.A. NO: -----

DATE OF DECISION 7-4-1992

Umanath Venkatrao Baindurkar

Petitioner

Mr.S.Natarajan

Advocate for the Petitioners

Versus

Union of India and ors.

Respondent

Mr.A.L.Kasturey for R.Nos.1 to 3, Respondent No.4 in person
Advocate for the Respondent(s)

* CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, 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 ?

MD

(U.C.SRIVASTAVA)

mbm*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.302/88

Umanath Venkatrao Baindurkar,
2/1, Dinath Terrace,
Lady Jamshedji Road, Mahim,
Bombay - 400 016.

.. Applicant

vs.

1. Union of India
through
The General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.
2. Financial Adviser and
Chief Accounts Officer,
Western Railway,
Churchgate,
Bombay - 400 020.
3. Senior Accounts Officer
(Workshop & Stores),
Western Railway,
Lower Parel,
Bombay - 400 013.
4. Ratilal M. Parmar,
99/7, Western Rly. Qrs.,
Matunga Road (East),
Bombay - 400 019.

.. Respondents

Coram: Hon'ble Shri Justice U.C. Srivastava,
Vice-Chairman.

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

Appearances:

1. Mr. S. Natarajan
Advocate for the
Applicant.
2. Mr. A.L. Kasturey
Counsel for
Respondents No.1 to 3.
3. Respondent No.4 in
person.

ORAL JUDGMENT:
(Per U.C. Srivastava, Vice-Chairman)

Date: 7-4-1992

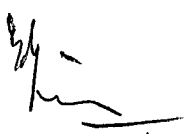
Against non grant of DCRG the applicant has approached this Tribunal praying ~~that~~ to issue mandatory orders directing the respondents to pay the applicant the sum of Rs.38,940/- being Death-cum-Retirement Gratuity with interest at 12% p.a. from 1-9-1987 till the date it is paid and he has also claimed any further relief to which he is entitled.


2. As per the allegation the applicant was allotted a railway quarter No.99/7 at Matunga Road Railway Colony, Bombay. He was allowed to share the same with one Ratilal M. Parmar working in the Accounts Office vide order dated 14-2-1983. The applicant retired on 31-8-1987. As per his allegation he vacated the quarter and shifted to private building but the said Ratilal M. Parmar continued to occupy the same. Despite the applicant's request and representation his gratuity was not released. The said Ratilal M. Parmar (respondent No.4) filed a suit in the City Civil Court, Bombay against the railway authority praying that he shall not be dispossessed. It is a matter between the respondent No.4 and railway authority but without any legal right his DCRG has been denied.

3. The respondents in their reply stated that the quarter has not been vacated by the applicant and continues to hold possession. That is why the gratuity was withheld. These are altogether separate matters and the gratuity cannot be withheld because of non eviction of the quarter even if the applicant was in possession. We have been informed that order for eviction has already been passed in respect of respondent No.4 who is also present in person. ~~ORDER~~

4. A reference has been made to the Full Bench decision of this Tribunal in Wazir Chand v. Union of India, reported in Full Bench Judgments (CAT) Vol. II, in which it has been held that gratuity cannot be withheld for non ~~vacation~~ vacation of the railway quarter. Accordingly the

respondents are directed to release the gratuity of the applicant and they shall pay interest as permissible under the rules in respect of this matter. The respondents are also directed to release the passes which has been withheld on this very ~~ground~~ ground. The application is disposed of accordingly with no order as to costs.


(M.Y. PRIOLKAR)
Member(A)


(U.C. SRIVASTAVA)
Vice-Chairman

MD