

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA**

**R.A. No. 35/2008**  
**(Arising out of OA 417/2005)**

**Date of order : 28.04.2010**

**C O R A M**

**Hon'ble Mr. Sudhir Kumar, Member ( Administrative)**

Union of India & Ors.  
Vs.  
Ram Babu Pandey & Ors.

**ORDER**  
**[By circulation]**

**By Sudhir Kumar, M [A]:-**


This Review Application and the records of the OA No. 417/2005 in which the impugned orders were passed on 20.04.2007 have been perused and gone through in detail. The record of MA No. 496/2007 has also been perused.

2. The contention of the review applicants [UOI], who were respondents before this Tribunal in OA No. 417/2005, is that the learned Vice-Chairman, while ordering for disbursement of the amount of DCRG to the applicant of OA No. 417/2005 with interest as per rules and circulars, has omitted

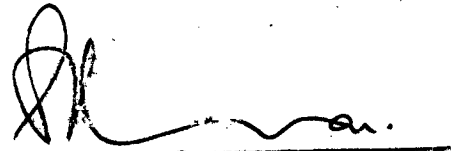
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to simultaneously further observe that under the same DCRG Rules, the respondents of that OA (petitioners of this RA) would be eligible to recover the damage rent/licence fee in respect of overstay in the official residence by the applicant of that OA. It had been brought out in the body of the order dated 20.04.2007 itself in paragraphs 2 and 3 of the order that the applicant retired on his superannuation on 31.03.1998 and vacated the official quarter more than 6 years later on 19.03.2004. The DCRG Rules read with Rule 71 of CCS(Pension) Rules, allow for recovery and adjustment of Government dues from the dues admissible and payable to a Govt. servant due for retirement, and the Rule 71(3) (a) lays down that the expression "Govt. dues" includes dues pertaining to Govt. accommodation including the arrears of licence fee, if any.

3. Therefore, the request of the review applicants( respondents of that OA 417 of 2005) is that the Hon'ble Vice-Chairman, while on the one hand ordering for the amount of the DCRG to be paid to the applicant of that OA with interest as per rules and circulars, had not simultaneously further observed that the respondent Department is also eligible to adjust the recoverable Govt. dues from the payment of such DCRG amount due to the applicant of that OA, which was an error apparent on the face of the record of the order itself.

4. The contention of the review applicants is acceptable, and the review application is allowed. In the operative portion of the order at para 6 recorded on 20.04.2007, the following sentence shall be added:- 

“ Simultaneously, the respondent authorities shall be eligible to adjust the Govt. dues payable by the applicant, including any arrears of licence fee in respect of house allotted to him, as per the existing rules and circulars in this regard, from the above amount of DCRG and interest thereupon up to date as ordered above to be paid to him.”



[ Sudhir Kumar]  
Member[A]

srk.