

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH : PATNA

Date of Order:- 11-5-07

Registration No. OA-601 of 2005

C O R A M

Hon'ble Shri Amit Kushari, Member (A)

Munindra Jha

..Applicant

-By Shri M.P.Dixit, Advocate

Versus

Union of India & Others

.. Respondents

-By Shri N.L.K.Singh, Advocate

O R D E R

Amit Kushari, Member (A):- Heard Shri M.P.Dixit, learned counsel for the applicant and Shri N.L.K.Singh, learned counsel for respondents. Pleadings have been perused.

2. The applicant retired from the Railway service on 31.12.2003 as Coaching Superintendent, Grade II. Shri M.P.Dixit, counsel for the applicant pointed out that although the applicant has received some of his retirement dues like provident Fund, commutation of pension and GIS, he has not received his DCRG amount in full and he has also not received the transfer composite grant allowance. Shri N.L.K.Singh, counsel for respondents pointed out that a part of his DCRG has been withheld due to outstanding commercial debits and because of his delayed vacation of Government quarter. He also stated that leave encashment amount has already been paid to the applicant. The applicant had retained the railway quarter for more than six months and therefore, a rent of approximately

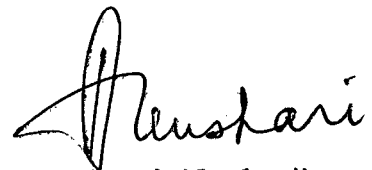
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Rs.5,700/- has been deducted from the DCRG. This includes damage rent. Also electric rent of Rs. 2,121/- has been deducted. However, Rs.51,885/- has been deducted from his DCRG due to commercial debit. Shri N.L.K.Singh, counsel for the respondents did not explain as to why the composite allowance of Rs. 8000 has not been released in favour of the applicant. Shri M.P.Dixit, counsel for applicant pointed out that as per Railway Board's order DCRG cannot be withheld due to commercial debit for more than six months. He drew my attention to the Hon'ble Apex Court's decision dated 28.2.2002 in the case of Union of India Vrs. Madan Mohan Prasad in which the Hon'ble Apex Court had opined that non-vacation of Railway quarter after retirement cannot be a valid ground to withhold DCRG. Shri Dixit also pointed out to the Railway Board's order No.FE(3)87 PN1/1 of 17.11.1987 which pointed out that withholding of gratuity on account of outstanding commercial debits can not be done after a period of six months of retirement. Shri Dixit also drew my attention to the decision of Central Administrative Tribunal, Calcutta in the case of Ratan Mitra Vrs. Union of India decided on 2.5.2005 in which the Calcutta Bench of CAT also ruled that the commercial debits must be adjusted within six months.

3. I have considered carefully the arguments of both the sides. I am of the opinion that commercial debits cannot be held against the applicant by withholding his DCRG for more than 3 years – that too without asking him to show cause or without inquiring into the matter properly. The amount that has been withheld by the Railway authority from his DCRG on account of commercial debit (which according to the Railway authority is Rs. 51,885/- as stated by them in para 4 of the written statement) should be released in favour of the applicant. Further the amount of Rs. 8,000 which is

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the composite grant allowance on retirement should also be released in favour of the applicant without any further delay. The payment should be made with 9% simple interest and should be paid definitely before 31st of July, 2007. No costs.



(Amit Kushari)
Member (A)

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