

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 3 APR 1989

APPLICATION NO (S) 1766 / 88(F)

W.P. NO (S)

Applicant (s)

Respondent (s)

Smt Alice Vedantam V/s The Divisional Railway Manager,  
To Southern Railway, Mysore & 2 Ors

1. Smt Alice Vedantam  
C/o Shri M.S. Maria Das  
Advocate  
Chambers No. 1954/2  
Mylareshwara Temple Building  
Akbar Road, Mandi Mohalla  
Mysore - 570 021

2. Shri P.S. Manjunath  
Advocate  
Chambers No. 1954/2  
Mylareshwara Temple Buildings  
Akbar Road, Mandi Mohalla  
Mysore - 570 021

3. The Divisional Railway Manager  
Southern Railway  
Mysore Division  
Mysore

4. The General Manager  
Southern Railway  
Park Town  
Madras - 600 003

5. The Secretary  
Ministry of Railways  
Rail Bhavan  
New Delhi - 110 001

6. Shri K.V. Lakshmanachar  
Railway Advocate  
No. 4, 5th Block  
Briand Square Police Quarters  
Mysore Road  
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER ~~STAY~~ ~~INTERIM ORDER~~  
passed by this Tribunal in the above said application(s) on 27-3-89

DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS DAY THE TWENTYSEVENTH MARCH, 1989

Present: Hon'ble Shri Justice K.S. Puttaswamy .. Vice  
Chairman  
Hon'ble Shri P. Srinivasan .. Member(A)

APPLICATION NO. 1766/1988

Smt. Alice Vedantam

Aged about 61 years

Wife of Shri K. Vedantam

R/o Quarters No.99

Southern Railway Quarters

Mysore - 8.

.. Applicant

(Shri P.S. Manjunath, Advocate)

Vs.

1. Divisional Railway Manager  
Southern Railways  
Mysore Division  
Mysore.

2. General Manager  
Southern Railways  
Madras.

3. Union of India  
Represented by its  
Chief Secretary  
Ministry of Railways  
New Delhi.

.. Respondents

(Shri K.V. Lakshmanachar, Advocate)

This application having come up for hearing  
before this Tribunal today, Hon'ble Shri P. Srinivasan,  
Member(A), made the following:

O R D E R

The applicant retired as a Matron Gr.II  
from the Southern Railway on 31.7.1984. She was at  
that time staying in a quarter allotted to her by  
the Railways. Her husband, also a Railway servant



*[Handwritten signature]*

was staying with her. When she retired she did not immediately vacate the quarter but both she and her husband made representations to the Railway authorities to allot the same quarter to the husband ~~of the~~ <sup>of</sup> ~~applicant~~ who continued in service. The particular quarter was intended for Matrons, i.e., persons in the nursing service in the Railway while her husband was not in the nursing service. However, the Railways allotted another quarter to the husband on 21.5.1984 even before the applicant's retirement. The applicant and her husband refused to shift to that quarter because it was smaller than the quarter which they were then occupying. In this way the applicant and her husband continued to remain in the same quarter till 18.12.1986. The applicant complains in this application that Death-cum-Retirement Gratuity (DCRG) due to her on her retirement has not been paid to her so far. She wants a direction from this Tribunal to the respondents to settle the amount due to her as DCRG with interest.

2. Shri P.S. Manjunath, counsel for the applicant and Shri K.V. Lakshmanachar, counsel for the respondents have been heard.

3. The case of the respondent is that since the applicant did not vacate the quarter allotted to her within three months of the date

P. S. Manjunath

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of her retirement as she should have, she was liable to pay penal rent for the same quarter after the expiry of three months. She had continued in that quarter for well over two years after her retirement. That is why her DCRG was withheld <sup>of her</sup> and not been paid to her. Shri Manjunath on the other hand pointed out that under the instructions issued by the Railway Board, DCRG has to be settled within three months of retirement and so the respondents are liable to pay interest thereafter.

4. We have examined the matter carefully. We are of the view that the applicant herself contributed to the delay in the settlement of her DCRG by continuing to stay in the quarter allotted to her for more than 2 years after her retirement. Normally, she would be liable to pay penal rent after the expiry of three months. On the other hand the Railway authorities could have settled the matter of rent payable by her earlier and paid whatever amount <sup>was</sup> due to the applicant as DCRG. Taking into account these factors we are of the view that the following orders will meet the ends of justice in this case:



(i) The respondents are directed to charge rent for the quarter occupied by the applicant till December 1986 at the normal rates, that is to say, they will charge her only standard rent for the period as her husband was a railway servant in service at the time.

(ii) The respondents will intimate the correct amount of DCRG due to the applicant less rent as indicated above and pay the same to the applicant within three months from the date of receipt of this order.

(iii) The applicant's prayer for interest of DCRG is rejected.

5. Application is disposed of on the above terms, leaving the parties to bear their own costs.



Sd/.

VICE CHAIRMAN

27/3/86 TRUE COPY

Sd/.

MEMBER(A)

mr.

DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE