

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 674/92

Transfer Application No: ----

DATE OF DECISION 15-2-1993

Shri U.S.Shah Petitioner

Mr.V.G.Pashte Advocate for the Petitioners

Versus

Union of India and ors. Respondent

Mr.V.S.Masurkar Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Shri ----

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 ?


(M.Y.PRIOLKAR)
M(A)

MD

NS/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.674/92

Shri U.S.Shah,
C-19/604,
Vasant Vihar,
2nd Pokharan Road,
Thane - 400 601. .. Applicant

-versus-

1. The Director General
of Works,
Central Public Works
Dept.,
Nirman Bhavan,
New Delhi - 110 011.
2. The Chief Engineer,
Western Zone CPWD
14th Floor, C.G.O.
Anneke,
101, M.K.Road,
Bombay - 400 020.
3. The Executive Engineer(HQ)
S.E.B.C.C.III CPWD
Central Govt.Quarter's
Ghatkopar,
Bombay - 400 086. .. Respondents

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

Appearances:

1. Mr.V.G.Pashte
Advocate for the
Applicant.
2. Mr.V.S.Masurkar
Counsel for the
Respondents.

ORAL JUDGMENT: Date: 15-2-1993
(Per M.Y.Priolkar, Member(A))

The applicant, a ~~Superintendent~~ Engineering
in G.I.P.W. Bar was transferred to Delhi
from Bombay in May, 1988 but he continued to
retain the Govt. flat allotted to him in Bombay.
He was transferred ^{back} to Bombay in March, 1989 and
applied for regularisation of the allotment
of the flat in Bombay for which an eviction
notice had also been served on him. The grievance
of the applicant in this case is that an amount

of Rs.54,000/- was wrongly withheld from his DCRG on his retirement on superannuation on 30-6-1990. The prayer of the applicant in this case is for a direction to the respondents to pay interest to the applicant on his retirement dues as the same were finally released after a long delay instead of immediately after retirement.

2. According to the respondents the withholding of DCRG of the applicant was with the intention of safeguarding the interest of government as certain dues, the amount of which had not been quantified, were recoverable on the date of retirement of the applicant. This dues included the damage rent to be recovered from the applicant for unauthorised occupation of the quarter till it was regularised by the competent authority, certain Income Tax dues for the previous year as pointed out by the audit and also the house rent allowance for the period from 20-3-89 to 30-6-90 for his stay back at Bombay till his retirement and also for the period from 9-1-89 to 19-3-89 for his stay at Delhi which were inadmissible but drawn by the applicant upto 30-5-90.

3. Eventually all these dues amounted ^{to} not more than Rs.18,000/-. Instructions of Govt. of India provided that for possible dues such as recovery of rent on account of occupation of government quarters a maximum amount of Rs.1,000/- can be withheld from the

DCRG of the government servant. It ~~is~~ not, therefore, permissible for the respondents to ~~with~~^{DCRG} withhold the entire amount of the applicant for possible dues of hardly Rs.18,000/-.

In my view the applicant is therefore entitled to payment of interest for the excess amount which has been unreasonably withheld by the respondents.

4. The application is therefore finally disposed of with a direction to the respondents that the applicant shall be paid interest @ 7% p.a. for the delay upto one year starting with the period of three months after the date of retirement and subsequently @ 10% p.a. for delay beyond one year on the balance amount of Rs.34,000/- which was unnecessarily withheld by the respondents.

5. No order as to costs.

MD


(M.Y. PRIOLKAR)
Member(A)