

07

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH.

Original Application No. 528/93

~~Transfer Application No.~~

Date of decision 23.11.1993

Shri D.G.Advani Petitioner

Shri G.S.Walia Advocate for the Petitioner

Versus

Union of India & Ors. Respondent

Shri A.L.Kasturey Advocate for the Respondent(s)

Coram :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

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

1. Whether the Reporters of local papers may be allowed to see the Judgement ? *no*
2. To be referred to the Reporter or not ? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *no*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *no*

(M.Y.PRIOLKAR)
MEMBER (A)

[Signature]
(M.S.DESHPANDE)
VICE CHAIRMAN

(08)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

QA.NO.528/93

Shri D.G.Advani

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Shri G.S.Walia
Advocate
for the Applicant

Shri A.L.Kasturey
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 23.11.1993

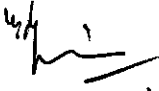
(PER: M.S.Deshpande, Vice Chairman)


Heard counsel. The only question which arises for consideration is whether the applicant's gratuity could have been withheld for non-vacation of the Railway quarter and this point is no longer res-integra in view of the decision of the Full Bench of this Tribunal in Wazir Chand vs. Union of India, reported in Full Bench Judgements (CAT) Vol.II p. 287, which has been followed by a Division Bench to which one of us, Shri M.Y.Priolkar was a party in 1992 (3) (CAT) SLJ 107, Umanath Venkatrao Baindurkar vs. Union of India & Ors.

2. Though two prayers have been made regarding the quashing of the eviction proceedings and for setting aside the Railway Board order dated 31.12.1990, the prayer in substance is only for payment of amount of gratuity to which the applicant is entitled and since we are granting this substantive prayer, we need not go to the other prayers.

3. We direct the respondents to pay the amount of DCRG to the applicant within two months from the date of communication of this order.

4. The applicant gives an undertaking that he will vacate the Railway quarter within three months from today.


(M.Y. PRIOLKAR)
MEMBER (A)


(M.S. DESHPANDE)
VICE-CHAIRMAN

mrj.