

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 693/93

Transfer Application No:

2.12.1994
DATE OF DECISION:

S.S.Ghude

Petitioner

Shri Y.R.Singh.

Advocate for the Petitioner

Versus

Union of India & Another.

Respondent

Shri N.K.Srinivasan.

Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Shri

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?


(M.S.DESHPANDE)
VICE-CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY.

Original Application No.693/93.

S.S.Ghude.

... Applicant.

V/s.

Union of India & Anr.

... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman.

Appearances:-

Applicant by Shri Y.R.Singh.

Respondents by Shri N.K.Srinivasan.

Oral Judgment:-

(Per Shri M.S.Deshpande, Vice-Chairman) Dt. 21.2.1994

By this application, the applicant claims Rs.33,825/- together with interest at market rate i.e. 18% from the date of super annuation on 1.8.1990 and a direction that no penal rent could be charged by him as he was never declared as an unauthorised occupant under the Public Premises (Eviction of unauthorised occupants) Act. The applicant was a Chief Works Manager retired on 31.7.1990 and had been in occupation of Railway Quarters which he was permitted to retain upon his request up to 1.12.1990. The quarters could not be vacated till 28.12.1992 i.e. for a period of 28.12.1992 i.e. for a period of two years after the extension of time was granted. In the meanwhile, the applicant's gratuity amounting to Rs.33,825/- was withheld for non-vacation of Railway Quarters and he was advised to remit Rs.4,013/- towards rent which he promptly remitted on 21.6.1993. The applicant's grievance is that the DCRG could not have been wrongfully withheld and he would be entitled to interest at the amount of market rate, without charging penal rent for his occupation of the Quarters.

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2. The Respondents contention is that the applicant having paid the amount which was demanded from him and since no steps have been taken by the Administration for recovering the amount, the act of the applicant was ~~of~~ his own volition and he cannot therefore press ~~the~~ the present application.

3. It is apparent that the applicant had been in occupation of the Railway Quarters and the penal rent was sought to be recovered from the applicant without recourse to the authority under the Public Premises (Eviction of Unauthorised Occupants) Act. The applicant's counsel therefore challenges the authority and the propriety of making the deductions straight away from the DCRG which was with the Respondents. It is clear that no interest was being taken into consideration while making the adjustments and if the amount was not paid to the applicant immediately upon his superannuation, the applicant would become entitled to interest. In the circumstances, the only proper order which should be passed in the present case after hearing the learned counsel is that the adjustment of the amount ~~to~~ to be made by not calculating interest on the amount of DCRG and not levying penal rent on the applicant's occupation of the quarter beyond the time permitted. Any amount which might have found either due to the applicant or from him to the Respondents shall be worked out and the necessary payments be made within a period of two months from the date of communication of this order. The applicant would be entitled to the post retirement passes hereafter as per rules.


(M.S. DESHPANDE)
VICE-CHAIRMAN