

31/4  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 1058/94

Transfer Application No.

Date of Decision 12.11.96

G.M.Gupta

Petitioner/s

Mrs. N.V.Masurkar

Advocate for  
the Petitioners

Versus

Union of India & Ors.

Respondent/s

Shri A.L.Kasturey

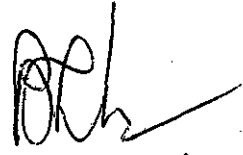
Advocate for  
the Respondents

CORAM :

Hon'ble Shri. P.P.Srivastava, Member (A)

Hon'ble Shri.

- (1) To be referred to the Reporter or not ? X
- (2) Whether it needs to be circulated to  
other Benches of the Tribunal ? X

  
(P.P.SRIVASTAVA)  
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

DA.NO.1058/94

Tuesday this the 12<sup>th</sup> day of NOVEMBER 1996

CORAM: Hon'ble Shri P.P.Srivastava, Member (A)

Gangaram M.Gupta  
R/o 150/4, Railway Quarter,  
Prebhat Colony,  
Santacruz (E), Bombay.

By Advocate Mrs. N.V.Masurkar

... Applicant

V/S.

1. Union of India  
Through the General Manager,  
Western Railway, Churchgate,  
Bombay.
2. The Divl.Rail.Manager,  
Western Railway, Bombay Central.
3. Union of India  
through Secretary,  
Ministry of Railways,  
Rail Bhavan, New Delhi.
4. The Secretary  
Tallway Board, New Delhi.

By Advocate Shri A.L.Kasturey  
C.G.S.C.

... Respondents

O R D E R

(Per: Shri P.P.Srivastava, Member (A))

The applicant retired from the service on 31.12.1982. The applicant's son was also working as Class-IV employee with the respondents and was sharing the quarter with him and therefore the applicant approached the authorities for allotting the applicant's son a Type-I quarter as he was working in Class-IV grade. The same was not allotted. The applicant thereafter approached the Tribunal.

However, the relief was denied by this Tribunal. The applicant thereafter approach the Hon'ble Supreme Court and the applicant was given the relief by Hon'ble Supreme Court vide their order dated 3.9.1991. Thereupon, the respondent's administration released the quarter in the name of the applicant's son from the date of his retirement, i.e. 1.1.1983. The applicant filed another OA.No. 543/93 which was disposed of by the Tribunal on 19.7.1993 by order which is placed at Exhibit-'A-VI'. The operative portion of the order reads as under :-

"The respondents are directed to consider the claim of the applicant put forth by him vide notice dt. 17.3.1993 within a period of three months from the receipt of a copy of this order. If the applicant is still aggrieved by the decision of the respondents, he shall be at liberty to approach this Tribunal with a fresh application."

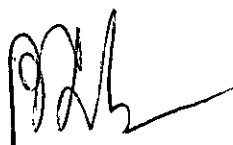
2. The applicant submits that he has not been paid the settlement dues fully and has approached this Tribunal for payment of the same through this OA. The claim of the applicant in this OA. is for payment of interest on the gratuity and on encashment of leave as far as settlement dues are concerned. The applicant has also claimed in this OA. Breach of Rest Allowance for the period from 1964 to 1970 amounting to Rs.15,181.65. He has also claimed 22 sets of First Class passes which claim he has assessed as Rs.2,88,500/-. The applicant has also



claimed damages for loss of flat Rs.2,70,000/- and interest on the earnest money and loss of a flat Rs.11,000/- and interest thereon from 1.1.1983. Since the application has been mainly made for payment of settlement dues, in this OA, only the issue of gratuity and encashment of leave is being considered as all other dues sought after have nothing to do with settlement dues and cannot be joined together with this OA, where the main issue is the payment of remaining amount of settlement dues.

3. As far as the payment of gratuity is concerned, an amount of Rs.28,814.75 has been shown as due. The respondents have already paid him Rs.20,814.75 and had submitted that Rs.8,000/- had been deducted as the Railway claims. No details concerning this Railway claims amounting to Rs.8,000/- have been given by the respondents. It is also submitted that the applicant has not filed any rejoinder disputing the amount of Rs.8,000/- which has been deducted by the respondents as Railway claims. If the applicant is aggrieved by the deduction of Rs.8,000/-, he may approach the respondents who should furnish the details of Railway claims to the applicant.

4. Since the respondents have already regularised the quarter in the name of the applicant w.e.f. 1.1.1983, the applicant would be entitled to interest on the gratuity amount from 1.1.1983 till the date of payment, i.e. May, 1995 at the rate which is provided under rules for delayed payment of gratuity.



5. As far as payment of Rs.7,188/- the encashment of leave is concerned, this has also been paid by the respondents in July, <sup>may</sup> 1994. The applicant would be entitled to interest @ 12% p.a. on this amount from the date of Hon'ble Supreme Court's order i.e. September, 1991 till ~~December, 1995.~~ <sup>may</sup> 94. *Alh*

6. The respondents are, therefore, directed to pay the interest to the applicant as mentioned above within a period of four months from the date of receipt of this order. The OA. is disposed of with these directions. There will be no order as to the costs.



(P.P.SRIVASTAVA)  
MEMBER (A)

mrj.