

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 921/94.

Transfer Application No:

DATE OF DECISION 25.8.1994

J.S.Patel.

Petitioner

Shri G.S.Walia.

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Advocate for the Respondent(s)

CORAM:

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

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 ? (No)
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 ? (No)


(M.S.DESHPANDE)
VICE-CHAIRMAN

NS/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

BOMBAY BENCH, BOMBAY.

Original Application No. 921/94.

J.S.Patel

.... Applicant.

V/s.

Union of India & Ors.

.... Respondents.

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

Appearances :-

Applicant by Shri G.S.Walia.

Oral Judgment :-

(Per Shri M.S.Deshpande, Vice-Chairman) Dt. 25.8.1994.

Shri G.S.Walia, counsel for the applicant
Respondents is present. There is no appearance on behalf of the
though a notice was issued on 18.8.1994 returnable
for to-day, in addition to the notice which the
applicant's counsel has served on the Respondents on
17.8.1994.

2. The facts are simple. The applicant retired
from service on 31.3.1987, but his D.C.R.G. was not
paid because he was in occupation of a Government
Quarter, which ultimately he vacated on 30.3.1993. The
applicant's grievance is that the D.C.R.G. could not
have been withheld for non-vacation of quarter nor
can his railway passes be withheld for the reasons
that the quarter was not vacated. The legal position
on the point is no longer in doubt. The payment of
D.C.R.G. cannot be linked with unauthorised occupation
of Railway Quarter and the D.C.R.G. shall have to be
paid whether the applicant was in occupation of the
Railway Quarter or not. In the present case, the app-
licant has vacated the Railway Quarter on 30.3.1993

In view of the decision of Wazir Chand V/s. Union of India & Ors. (reported in Full Bench Judgments of CAT (1989-1991) Vol.II page 287), the only direction that can be made is that the respondents shall pay to the applicant the amount of D.C.R.G. The amount will carry an interest at 7% p.a. from 1.7.1987 and after the period of 7 months the amount will carry an interest at the rate of 10% p.a. until payment. The Respondents are directed to pay the amount of D.C.R.G. at the above rate within a period of three months from the date of service of a copy of the order and shall also issue the post-retirement passes to the applicant within the same period.

3. With these directions, the OA is disposed of.


(M. S. DESHPANDE)
VICE-CHAIRMAN

B.

19/01/12

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH.

C.P. No. 142/94 IN

O.A. No. 921/94/ 8219, 20

Dt:- 14/12/95

Mr. J.S. Patel

... Applicant.

v/s.

The Union of India & Ors.

... Respondents.

CORAM: HON'BLE SHRI B.S. HEGDE, MEMBER (J).

HON'BLE SHRI P.P. SRIVASTAVA, MEMBER (A).

TRIBUNAL'S ORDER:

Dt:- 4/12/95.

Heard Shri G.S. Walia, counsel for the applicant.

He states that the respondents have complied with the order of the Tribunal, as such, he desires to withdraw the C.P.

In the circumstances, C.P. No. 142/94 is discharged.

Shri Walia
18/12/95
Certified True Copy

Date ... 13/12/95

DSW
Section Officer
Central Admn. Tribunal
Bombay Bench.

DSW
SECTION OFFICER.

*Received copy
for Adv
VINAY S. MASURKAR
Govt. Counsel
18/12*

Mr. J.S. Patel,
C/O. Mr. G.S. Walia, Adv.
The Union of India & Ors.,
through Mr. V.S. Masurkar, Adv.

Despatched on 14/12/95

Despatch