CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1109/94
Transfer Application No.

Date of Decision : 29/06/1995

B. M. Shukla   Petitioner

Shri.H.A.Sawant   Advocate for the
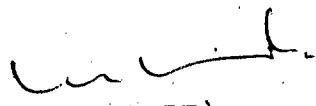   Petitioners

Versus

Union of India & Anr.   Respondents

Shri. N. Srinivasan   Advocate for the
                                                respondents

C O R A M :

The Hon'ble Shri Justice 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)
V.C

J*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. 1109/94

B. M. Shukla   .. Applicant

         Vs.

Union of India & Anr.   .. Respondents

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

Appearances

1. Shri.H.A.Sawant
   Advocate
   for the applicant

2. Shri. N.Srinivasan
   Advocate
   for the respondents.

ORAL JUDGMENT   DATED : 29/06/1995

       (Per. Justice M.S.Deshpande, Vice Chairman)

The only question which arises for consideration in this case is whether the respondents were justified in with holding the amount of gratuity payable to the applicant upon his retirement on 30/06/1994 on the plea that the applicant had not vacated the government quarters.

2. The question is no longer res integra in view of the judgment in Wazir Chand case (Full Bench Judgments of C.A.T (1989-1991) Vol.II, page 287), where it has been pointed-out that with holding of entire amount of gratuity of a retired railway servant so long as he does not vacate the railway quarter is legally impermissible as also disallowing one set of post-retirement passes for every month of unauthorised retention of railway quarter is also unwarranted. Respondents are therefore directed to release the D.C.R.G to the applicant within 2 months from the date of receipt of copy of this order and pay interest in accordance with rules. Respondents will be at liberty to take steps for recovery of penal rent if they are so advised and that question is left open. There is no order as to costs.

                        (M.S.DESHPANDE)
                        VICE CHAIRMAN

J*