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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 80/94
Transfer Application No. ---

Date of Decision : 13-10-95

Smt. Savitrabai Dashrath

Petitioner

Mr. L. M. Nerlekar

Advocate for the
Petitioners

Versus

U.C.I. & Ors.

Respondents

Mr. S. C. Dhavan

Advocate for the
respondents

C O R A M :

The Hon'ble Shri M.R. Kolhatkar, Member(A)

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?

MR Kolhatkar

(M.R. KOLHATKAR)

Member(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(10)

O.A.80/94

Smt. Savitrabai Dashrath .. Applicant

-versus-

Union of India & Ors. .. Respondents

Coram: Hon'ble Shri M.R.Kolhatkar, Member(A)

Appearances:

1. Mr. L.M.Nerlekar
counsel for the
applicant.

2. Mr. S.C.Dhavan
counsel for the
respondents.

JUDGMENT:

(Per M.R.Kolhatkar, Member(A))

Date: 13.10.95

The applicant is a widow of the deceased railway employ who expired on 5-7-91 subsequent to imposition of compulsory retirement w.e.f. 31-12-1990. The widow remained in unauthorised occupation of the quarter which she vacated only on 28-8-1992. The DCRG due to her husband was released to her after deducting Rs.8,713.15 on account of penal rent from 1-5-1991 to 28-8-92. The main relief claimed by the applicant is to direct the railway administration to pay the entire amount of DCRG without deduction with permissible interest thereon. The prayer for the relief has been opposed by the respondents on the ground that this deduction of penal rent is in accordance with existing railway instructions and that Full Bench judgment in Wazir Chand's case is not applicable in view of the subsequent pronouncements in the Supreme Court judgment in Raj Pal Washi's case.

2. The question whether Full Bench judgment in Wazir Chand's case still holds the field and whether railway administration is entitled to deduct penal rent on account of unauthorised occupation of quarter has been discussed by me at length in O.A. No. 1365/94. It is, therefore, not necessary to repeat the discussion. Therefore, I am of the view that the applicant is entitled to the relief claimed by her and I dispose of the O.A. by passing the following order :

O R D E R

O.A. is allowed. Respondents are directed to refund the amount of Rs. 8,713.15 deducted on account of penal rent from the DCRG consequent on death of her payable to her/husband. We are not inclined to allow interest on this amount. Railway administration is directed to comply with the order within two months from the date of receipt of this order. It is clarified that railway administration would be at liberty to take proceedings under PP(EUO)Act 1971 for recovery of penal rent.

There will be no order as to costs.

M.R.Kolhatkar

(M.R.KOLHATKAR)
Member (A)

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