

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH 'GULESTAN' BUILDING NO.6  
PRESCOT ROAD BOMBAY: 1

R.P. 91/96 in  
Original Application No. 1463/95

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Smt. Rubeda

... Applicant,

By Advocate Shri Suresh Kumar.

V/s.

General Manager and two others

... Respondents.

Western Railway

By Advocate Shri V.S. Masurkar.

Tribunal's order

Dated: 31.10.96

Heard Counsel for the parties.

The Tribunal vide its order dated 26.7.96  
after hearing the parties made the following observations:

" The applicant has also prayed for  
release of the gratuity amount payable  
to her husband, which has not been paid  
in view of her continued occupation in  
the quarter after the expiry of her husband.  
The same is liable to be paid by the  
respondents in accordance with the rules.  
Since the applicant has been allowed to  
continue in the quarter for more than  
the required period, the respondents are  
liable to pay interest at 15% after the  
extended period is over till the payment  
is made."

The respondents have filed R.P. seeking  
clarification of the order. In a similar case,

....2....

By

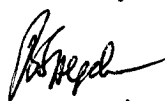
the Department has filed an SLP against the decision of the Tribunal which has been disposed of on 4.12.95 stating that the grievance of the Railway Administration is that after the Respondent superannuated he did not vacate the quarter occupied by him and thereby committed a breach of one of the terms of employment and therefore, the Appellant was entitled to withhold the amount and in any case cannot be said to be liable to pay interest on the amount so held. In the facts and circumstances of the case, the Tribunal had ought not to have granted interest for delayed payment till the date the respondent vacated the quarter. In the present case the applicant till now has not vacated the quarter. In para 7 it is mentioned that the respondents are liable to pay interest at 15% after the extended period is over till the payment is made.

In the facts and circumstances of the case and the decision of the Apex Court the observations in para 7 is not warranted. Accordingly I hereby modify the order dated 26.7.96 and pass the following order:

The respondents are liable to pay interest only after she vacate the quarter and if there is any further delay in the payment if any due till the payment is made.

Accordingly R.P. is disposed of.

Copy of the order be given to the parties.

  
(B.S. Hegde)  
Member(J)