

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

wednesday DAY THE *First* DAY OF *July*
ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN

: PRESENT :

THE HON'BLE M. B. N. JAYA SIMHA: VICE-CHAIRMAN
AND
THE HON'BLE MR. D. SURYA RAO: MEMBER.

ORIGINAL APPLICATION NO. *235/87*

Between:-

Karri Rajanna

And

.....Applicants.

- 1) Union of India rep by
General manager, S.E. Pky,
Gaidar Reach, Calcutta-43.
Divisional Railway
2) The ~~General~~ Manager,
S.E. Pky, ~~Coastal~~ Waltari,
Vishakhapatnam - 530004*

.....Respondents.

Application under Section 19 of the Administrative
Tribunals Act, 1985 praying that in the circumstances stated therein
the Tribunal will be pleased to direct the respondents
to pay the retirement benefits to the applicant
forthwith along with interest at 21% per annum on
the amount due from the date of retirement.

ORIGINAL APPLICATION NO.235 of 1987
(ORDERS OF THE TRIBUNAL)

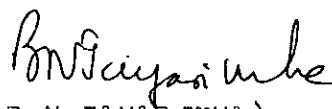
The applicant herein, who worked as a Mate (Gr. 'D) in South Central Railway, Srikakulam retired, ~~retired~~ on 30-11-1984 on superannuation. He submits that certain retirement benefits such as D.C.R.G. were not paid to him on the ground that he was occupying railway land for cultivation for which he is liable to pay a license fee of Rs.105/- per annum under ^{the} Grow-More Food Scheme. The applicant submits that this lease is being renewed every year from 1976 and he is entitled to be in possession of the said land till the year 1987 and the withholding of Gratuity and other dues to him is illegal.

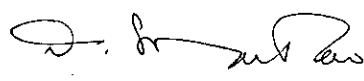
2. No counter-affidavit has been filed in this case. We have heard Mr. R. B. Vijaya Kumar for the Applicant and Mr. P. Venkatarama Reddy, Standing Counsel for the Railways. A circular letter dated 9-6-1986 issued by the Senior Divisional Engineer, Coordination, Waltair has been placed before us by the applicant. According to that Circular ~~that~~ the Railways have taken a decision

contd..2

that, taking into consideration the decision ^{rendered by The} of the ^{High Court in a similar case,} Andhra Pradesh, the D.C.R.G. and other benefits of retired employees may be released if they obtain a certificate that they have cleared the license-fee payable by them till the date of retirement. In this case, the applicant submits that he had paid the license-fee upto-date. In any event, we do not consider that the Railways are entitled to withhold the D.C.R.G. on the ground of non-payment of license-fee payable by them for the lands given to its employees for cultivation purposes. We, therefore, ~~direct that~~ the D.C.R.G. and other benefits due to the applicant shall be paid to him ^{within a period of 2 months} ~~forthwith~~ along with interest at the rate of twelve per cent (12%) per annum from the date on which the amount became due till the date of actual payment. With these directions, the application is allowed. There will be no order as to costs.

(dictated in open court)


(B.N. JAYAS IMHA)
Vice-Chairman


(D. SURYA RAO)
Member (Judl.)

1st July, 1987.