

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA 1846/2014
MA 1580/2014

Reserved on: 3.05.2017
Pronounced on: 5.05.2017

Hon'ble Mr. P.K. Basu, Member (A)

Shri R.B. Nidhi
S/o Shri Mohan Lal Nidhi
Ex-Station Master
Amlo
R/o House No. N-1/9B
Mohan Garden,
Uttam Nagar, New Delhi

... Applicant

(Through Mrs. Meenu Mainee, Advocate)

Versus

Union of India: through

1. General Manager
East Central Railway,
Hazipur, Bihar
2. Divisional Railway Manager
East Central Railway,
Dhanbad, Bihar
3. Divisional Finance Manager
East Central Railway,
Hazipur, Bihar

... Respondents

(Through Shri Shailendra Tiwary, Advocate)

ORDER

The applicant, who was working as Station Master, was proceeded against in a departmental proceeding in which he was found guilty and responsible for misappropriation of government

cash. The competent authority imposed the punishment of compulsory retirement on the applicant vide order dated 9.11.1987. The applicant filed OA 1438/2005 seeking release of his pension, other retiral benefits including P.F., Gratuity, Leave Encashment, Insurance with interest. The OA was disposed of vide order dated 13.03.2006 by passing the following order:

- "21. In the result, for the foregoing reasons, deeming the applicant having been compulsorily retired on 9.11.1987, the respondents shall work out the retiral benefits of the applicant including his PF and other retiral benefits including pension, leave encashment as due to the applicant as per relevant rules ibid and arrears thereof shall be paid to the applicant along with interest of 6% per annum within a period of three months from the date of receipt of a copy of this order.
22. At one point of time, it is contended by the respondents that retention of unauthorized government accommodation entails damages and for which recovery has to be effected from the applicant. Though for want retiral benefits, it is permissible to retain government accommodation, yet in the light of decision of the Apex Court which has been delivered taking cognizance of the railway rules, till the time of gratuity is paid and for the interregnum period the normal rent should be realized from the applicant. As such, respondents are at liberty to deduct the normal rent towards occupancy of the government accommodation by the applicant while working out his retiral benefits. The applicant shall also simultaneously vacate the railway accommodation on receipt of retiral benefits from the respondents. No costs."

2. The applicant filed another OA No.1634/2011 being dissatisfied with the order dated 13.05.2010 issued by the respondents in compliance of order in OA 1438/2005 and the OA

was disposed of vide order dated 10.02.2012 with the following directions:

- "4. On the basis of pleadings on record the definite conclusion cannot be arrived at. In the circumstances, I deem it appropriate to dispose of present OA with the following directions:
- I. Respondents 1 and 2 shall pay undisputed amount to applicant within a period of one month.
 - II. They shall examine the various claims raised by applicant in para 4.7 and prayer clause of the Original Application and pass a detailed order specifically dealing with the each claim and justifying their action i.e. how the amount already paid to applicant is correct and the amount claimed in OA is not admissible. While doing so, respondents would also take into account the representation dated 16.10.2010 made by the applicant addressing the same to the Divisional Railway Manager, E C Railway, Dhanbad Division, Dhanad-826001. Such exercise shall be carried within a period of two months from the date of receipt of a copy of this order. No costs."

3. In compliance of directions in OA 1634/2011 (supra), the respondents have issued order dated 24.08.2012. In the detailed order dated 24.08.2012, the respondents have mentioned each and every item of the retiral benefits and how they have worked out the dues including interest payment etc. The applicant thereafter wrote letter dated 5.02.2013 to the respondents further claiming following amounts:

Account head	Receivable on April 2007 as per OA-1438/2005 dt	Interest	Total receivable as on 31.01.2013

	13.03.2006		
Interest on PF for Rs.25029/-	29284/-	10103/- (May 2007 to Jan-13)	39387/-
Differential of Pension as per 5 th CPC	10089/-	4287/- (Jan 06 to Jan 13)	14376/-
Differential of Pension as per 6 th CPC w.e.f. 01.01.2006 (correct minimum basic should be 6750/- pm (6750-4500=2250x85 months as on Jan 13 plus DA as applicable			250000/- approx
Reversal of HRA Double Deducted (First from gratuity and second time from interest on delayed payment of Pension in Sept 2011	39877/-	3190/- (Oct 11 to Jan 13)	43067/-
Total Receivable as on 31.01.2013			346830/-

4. Learned counsel for the respondents stated that in view of the order dated 13.03.2006 in OA 1438/2005, they have worked out details of the amount payable to the applicant and paid him and there is nothing more to be paid.

5. It seems that the applicant is still not satisfied and claims additional payment of Rs. 346830/-. In as much as the Tribunal cannot go into the details, I dispose of this OA with a direction to the respondents to send reply to the applicant's representation dated 5.02.2013 within a period of two months from the receipt of a certified copy of this order. No costs.

(P.K. Basu)
Member (A)

/dkm/