

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**ORIGINAL APPLICATION NO. 060/560/2018
& M.A. NO. 60/740/2018**

Chandigarh, this the 22nd day of April, 2019

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

Sushma Devi, aged 56 years wife of late Sh. Sant Ram, resident of House No. 809-F, Sector 18, Housing Board, Jagadhri, District Yamuna Nagar (Group-C).

....APPLICANT

(By Advocate: Shri Ajay Chaudhary proxy for Ms. Surinder Kaur Mamli)

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Manager, Northern Railway, State Entry Road, Pahar Ganj, Delhi 110055.

....RESPONDENTS

(By Advocate: Shri Lakhinder Bir Singh)

ORDER (oral)

SANJEEV KAUSHIK, MEMBER (J)

The present Original Application (O.A.) has been filed by the applicant, seeking direction from this Tribunal to direct the respondents to release all admissible pensionery benefits, including family pension, gratuity, and leave encashment in her favour.

2. The respondents have filed reply affidavit today in Court, in compliance to previous order of this Tribunal, which is taken on record, subject to all just exceptions.

3. After exchange of pleadings between the parties, the matter came up for hearing today.

4. We have heard the learned counsel for the applicant as well as learned counsel appearing on behalf of respondents and have carefully gone through the pleadings available on record.

5. On the previous date of hearing, it was informed by the learned counsel for the respondents that the applicant is in possession of govt. accommodation allotted by the Railways unauthorizedly and thus they have withheld the amount of Gratuity. Therefore, the respondents were directed to file a specific affidavit, clarifying as to what action they have taken for release of gratuity to the applicant and vacation of house from second wife of deceased employee, who was in illegal possession of House No. 5-H, Railway Colony, Pandav Nagar, Patel Nagar, New Delhi and since she has not handed over the vacant possession of the house, therefore, the amount of Gratuity was withheld. It has also been clarified therein that the applicant has also approached this Tribunal for grant of same very benefits by filing O.A. No. 1654/HR/2013, wherein the respondents had filed short reply stating that the applicant had already been released family pension, leave encashment, GIS and Provident Fund. Learned counsel for respondents has also informed that the total admissible amount of Gratuity works out to be Rs. 1,54,000/- whereas they have to recover an amount of Rs. 5,21,659/- from the applicant on account of unauthorized occupation of railway house, as stated in the affidavit. It has also been informed that PPO (at page 49)

(Annexure R-3) has been issued in favour of present applicant namely Ms. Sushma Devi, and letter addressed to her vide Annexure R-4 dated 22.6.2015 intimating that all admissible dues have been disbursed to her and thus the present O.A. has been rendered infructuous. As such, it is prayed that the instant O.A. may be disposed of as the applicant has been granted all admissible benefits.

6. In the wake of above, we left with no option, but to dispose of this O.A. as having been rendered infructuous as the applicant has been granted all admissible due in her favour. Pending M.A. No. 60/740/2018 also stands disposed of.

(P.GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 22.04.2019

SK'

