

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 3943/2018

New Delhi this the 7th day of August, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

Smt. Tripta Lawrence Paul,
(Designated Retired ANS, Group B, Non Gazetted)
C/o Shri Francis Paul Advocate,
CH.No.222, Lawyers Block,
Second floor, Saket District Courts,
New Delhi - Applicant

(By Advocate: Mr. Biswambar Nagar for Mr. Francis Paul)

VERSUS

1. Union of India
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi-1,
Through its Secretary
2. Medical Superintendent,
Safdarjung Hospital & VMMC,
New Delhi-110029 - Respondents

(By Advocate: Mr. Subhash Gosai)

ORDER (Oral)

The applicant has filed this Original Application
(OA), seeking the following reliefs:-

- “a) Direct the respondents to immediately release the sum of Rs.52,371/- as admitted by the respondent no.2 in his order/letter dated 28.8.18 and 30.7.18 to the applicant along with interest @18% p.a. w.e.f. 1.5.18 till release of payment.

- b) Award costs of the proceedings and litigation charges of Rs.40,000/-.
- c) grant any other or further relief which Hon'ble Tribunal may consider just and proper in the facts and circumstances of the present case."

2. When the matter is taken up for hearing, counsel for the applicant appears in person and states that now the applicant has received the retiral benefits minus electricity dues which the respondents have deduced as the same according to them were payable by him. Hence, the applicant now only seeks cost of the litigation.

3. The above averments of the applicant are strongly contested by counsel for the respondents who draws our attention to the factual position that due to non-payment of electricity bills, the amount as shown at Annexure R-9 was withheld and subsequent to legal notice by the applicant, the amount due to electricity bills has been deducted and the remaining payments have been given to the applicant. Hence, he argues that the entire litigation took place not because of any illegality done by the respondents but because of non-payment of electricity dues by the applicant of this OA and it was the duty of the respondents to deduct the same as per law and only subsequent to that, any payments were made.

4. After hearing both the sides, it is clear that the applicant failed to deposit his electricity dues and in view of the same, certain retiral benefits had to be withheld till the same was recovered. Hence, there is no illegality in the action of the respondent and the claim for award of cost of litigation is dismissed. Accordingly, there is no merit in the OA and the same is dismissed. No costs.

(Nita Chowdhury)
Member (A)

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