

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 1541 of 2013

Date of order : 10.9.2015

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

NISHAPATI SINGHA

VS

UNION OF INDIA & ORS.

For the applicant : Mr.N.Roy, counsel

For the respondents : Mr.A.K.Guha, counsel

O R D E R (ORAL)

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. Heard both the ld. Counsels.

3. Ld. Counsel for the applicant submits that he will be satisfied if a direction is given to the authorities to consider the representation dated 1.5.11.

Ld. Counsel for the respondents has no objection to the same.

4. The applicant has claimed for release of DCRG money which has been withheld on the ground of non-vacation of Railway quarters. Ld counsel for the respondents has drawn my attention to the instruction of the Railway Board in RBE 101/2000 which permits recovery from DCRG. However, the law of the land is otherwise. Hon'ble Apex Court in **UOI & Ors. -vs- Madan Mohan Prasad [2003 (1) ATJ 247]** has held that non-vacation of Railway quarter after retirement cannot be a ground to withhold DCRG and the leave encashment. Hon'ble Court has further held that penal rent/damages does not fall under the term 'admitted' or 'obvious' dues within the meaning of Rule 323.

5. As such the OA is disposed of with a direction upon the Sr. Divisional Personnel Officer or any other competent authority to look into the grievance of

the applicant and pass an appropriate reasoned and speaking order on the claim in accordance with law within two months from the date of communication of this order.

6. It is made clear that I have not gone into the merits of the case.
7. All points are kept open for consideration by the respondents.
8. The OA is disposed of. No order is passed as to costs.

Bidisha Banerjee
(BIDISHA BANERJEE)
MEMBER (J)

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