

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. No.128/2005 In
O.A. No. 486/2003

New Delhi this the 20th day of May, 2005

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Mrs. Meera Chhibber, Member (J)

Shri Ramesh Chandra
Flat No.30-A, Pocket-IV
Mayur Vihar, Phase-1, New Delhi-110091.

(By Advocate: Shri Shailendra Tiwary)

-Applicant

Versus

1. Shri N. Mishra
Secretary,
Dept. of Telecommunication
Sanchar Bhawan, Ashoka Road,
New Delhi-110001.
2. Shri A.K. Saxena
Member (Services)
Dept. of Telecommunication
Sanchar Bhawan, Ashoka Road,
New Delhi-110001.
3. Shri E. Murlidharan
ADG (Pension)
5th Floor, Sanchar Bhawan
New Delhi-110001.

-Respondents

(By Advocate: Shri Satish Kumar)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

Learned counsel heard.

2. OA-486/2003 was disposed of vide order dated 9.9.2004 with the following observations/directions to the respondents:-

" As I find from the minutes of the meetings held on 18.08.2004, a copy of which produced by the respondents' learned counsel, that it has been decided by the authority including Chairman that the accommodation on transfer shall be retained and a proposal to waive of the damage rent levied on applicant. I also find that applicant has been subject to hostile discrimination whereas similarly situated persons, namely, S/Shri A.K. Gupta, D.P.S. Seth and S.D. Saxena have been allowed to retain the Govt. accommodation on transfer at Delhi on normal license fee, meeting a differential treatment to applicant is in violation of the principles of equality enshrined under Article 14 of the Constitution of India. For want of intelligible differentia and reasonable nexus with the object sought to be achieved, the act of the respondents cannot be countenanced. As the details has not been produced by the respondents, OA is disposed of with a direction to the respondents to re-examine the entire matter in the light of what has been stated

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(B)

above, keeping in view the rules and law on the subject and the decision to this effect shall be taken by the respondents within a period of three months from the date of receipt of a copy of this order. In case of levy of normal rent for the period of retention of Govt. accommodation, applicant shall be paid his gratuity without levying damage charges and also withheld Rs. 50,000/- and Rs.1,000/- withheld against L.P.C. with a simple interest of 18 % as withholding of gratuity is without and justifiable reasons by the respondents."

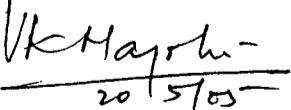
3. Learned counsel for the applicant stated that while respondents were required to levy normal rent for the period of retention of Government accommodation by the applicant, they have not done so and have reduced the amount of gratuity to a mere Rs. 70,804/-. Even this amount as well as interest thereupon have not been paid by the respondents as yet.

4. On the other hand, learned counsel of respondents drew our attention to Annexure R-1 dated 23.12.2004 and Memo dated 11.4.2005 stating that respondents have re-examined the case and reduced the dues against the applicant from Rs. 3,24,398/- to Rs. 2,76,744/-. As such, there has been a relief to the extent of Rs. 47,654/-. He further stated that respondents have withheld applicant's gratuity for justifiable reasons. In this connection, it is noticed that the Tribunal had in its orders stated that there were no justifiable reasons for withholding the gratuity to the extent as withheld by respondents.

5. As such, in compliance of Tribunal's directions as also taking into account the documents filed by the respondents, we are of the view that respondents should pay to the applicant the net retirement gratuity to the extent of Rs. 70,804/- along with an interest @ 18% with effect from the date it was due within a period of one month from today. In case the applicant is still aggrieved as to payments made/to be made vis-avis his claims, he shall have liberty to resort to legal proceedings.

6. With the above observations/ directions, This CP is dropped and notices to respondents are discharged.


(Meera Chhibber)
Member (J)


V.K. Majotra
20/5/05
(V.K. Majotra)
Vice Chairman (A)

cc.