
(2018) 02 CAT CK 0041
In the Central Administrative Tribunal
Case No : Original Application No. 489 Of 2015

Ram Kishan

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 13-02-2018

Acts Referred:

Citation : (2018) 02 CAT CK 0041

Hon'ble Judges : Jasmine Ahmed, J

Bench : Single Bench

Advocate : Yogesh Sharma, Rahul Pandey

Final Decision : Disposed Of

Judgement

Jasmine Ahmed, J

1. The brief factual matrix of the case is that the applicant was initially appointed in the Railway Administration in the year 1978 on a casual basis and after getting temporary status with effect from 23.03.1983 was regularised with effect from 25.08.1983 and the applicant voluntarily retired from his services on 19.08.2013 while working as Gateman under Sr. Section Engineer (PWI), Gohana and became eligible for pension with effect from 20.08.2013.

2. It is contended by counsel for the applicant that the applicant was staying in quarter no. 58-A, Rohtak allotted by the respondents and vacated the above said quarter on 18.03.2014, which is within seven months from the date of his retirement. It is contended that on account of these seven months a penal rent of Rs.23,891/- has been calculated by the respondents and because of his over staying/not vacating the quarter immediately after his retirement, the respondents had not released him the gratuity amount. It is contended by counsel for the applicant that there is a provision of staying for 8 months after retirement in the ear-marked quarter. Hence, when the applicant has vacated the quarter within seven months, the respondents should not have charged him penal rent for the above said period of seven months. Counsel for the applicant

also states that even if the applicant has over stayed in the quarter, the entire gratuity amount was lying with the respondents, the respondents could have deducted the said amount of Rs.23,891/- and could have released the rest of the gratuity amount immediately after he vacated the quarter on 18.03.2014. The counsel for the applicant also stated that for not doing so and for the delayed payment of gratuity, the applicant is entitled for getting interest.

3. Per contra, the counsel for the respondents stated that the applicant could have preferred a representation for the extended period of stay in the above said quarter and the permission could have been taken by him for staying in the quarter after his retirement. As he has never tried to obtain any permission from the authorities hence, his overstay has been termed as unauthorised occupation of the quarter and a penal rent of Rs.23,891/- has been calculated against him.

4. On 19.12.2017, counsel for the respondents was directed to take instructions on the issue that as the applicant has vacated the quarter within seven months from the date of his retirement, whether penal amount can be waived as he served the respondents for long.

5. In reply to that the respondents have stated that they cannot go beyond rules and penal amount has to be charged from the applicant.

6. Accordingly, taking into consideration the small issue involved, the respondents are directed to deduct the penal rent of Rs.23,891/- and to release gratuity amount to the applicant with effect from 10.03.2014 with a simple interest of 8%.

With this direction the O.A is disposed of. No costs.