



1 (OA No.390/2024)

CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

O.A.No. 063/00390/2024

Decided on : 13.11.2025

HON'BLE MRS. ANJALI BHAWRA, MEMBER (A)

Vijay Kumar S/o Late Sri Sant Ram, aged about 64 years, R/o Village & Post
– Bijapur, Tehsil Jaisinghpur, Distt: Kangra Pin-176098.

...Applicant

(Advocate: Sh. Santosh Kumar Verma)

VERSUS

1. Customs, Excise & Service Appellate Tribunal, Through its Registrar, West Block No.2, R.K. Puram, New Delhi-110066 through its Deputy Registrar, SCO No.147-148, Sector 17C, Chandigarh-160017.
2. Senior Pay and Accounts Officer, Ministry of Finance, Department of Revenue, Room No.215, Jeevan Deep Building, Second Floor, Parliament Street, New Delhi-110001.
3. Directorate of Estate, through its Director, Nirman Bhawan, New Delhi-110001.
4. The Principal Commissioner, Commissionerate of Central Goods & Service Tax, Erstwhile Commissionerate of Central Excise & Customs, Central Revenue Building, Plot No.19, Sector 17C, Chandigarh-160017.

...Respondent(s)

(Advocate: Sh. Sanjay Goyal, Sr. CGSC).



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ORDER (Oral)

Per: ANJALI BHAWRA, MEMBER (A):

1. This Original Application has been filed under Section 19 of the Administrative Tribunals Act 1985, whereby, the applicant has sought for the following relief:

i) To quash the impugned communication dated 22.10.2023 (Annexure A/1); and

ii) To direct the respondents to immediately release the withheld gratuity of Rs.91,892/- in favour of the applicant; and

iii) To direct the respondents to pay the interest @ 18% per annum on the amount of withheld gratuity from the date of deposit of license fee to the respondent no.4 by the applicant till the date of actual payment of withheld gratuity to the applicant; and

iv) To direct the respondents to pay Rs.50,000/- towards the cost of the present litigation"

2. The applicant in its OA has submitted the following:-

i) The applicant had retired from the post of the Head Clerk with the respondent No.1 i.e. Customs Excise & Service Appellate Tribunal on 31.12.2019 on attaining the age of superannuation. Respondent No.1 is the appointing authority of the applicant. Respondent no. 2 is the Pay and Accounts Office of respondent no.1 and was responsible to pay all the retiral benefits to the applicant. Respondent no.3 is the authority to allot the general pool quarter to the eligible officers and to maintain the records for the complete inventory of the government accommodation of general pool of government of India. Respondent No.4 was the controlling authority for the accommodation of revenue pool, which had allotted the accommodation to the applicant, and charged extra license fee and issued the 'No Objection Certificate' to respondent no.1.



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ii) When the applicant was posted at Chandigarh in 2015, he had applied for revenue pool quarter at Chandigarh maintained by the Department of Revenue under the control of "Office of the Principal Commissioner of Central GST Commissionerate, Chandigarh erstwhile "Central Excise & Customs Commissionerate, Chandigarh" situated at Central Revenue Building, Plot No. 19, Sector 17C, Chandigarh 160017, i.e. respondent no. 4. The house No. 4083, Sector-37C was allotted to the applicant by respondent no.4. The applicant was continuously residing at the above said quarter from the date of occupancy till the vacation of the accommodation in **August, 2020**.

iii) It is stated by the applicant that the applicant was supposed to surrender the accommodation **till June, 2020**, but due to some medical problem, the house was vacated in **August, 2020**. The applicant had deposited around **Rs.11300/-** for the delay in vacation of the accommodation with the competent authority i.e. Office of the Principal Commissioner of Central GST Commissionerate, Chandigarh, and in consequent to the same a Certificate dated 22.03.2022 (Annexure A/2) for no dues was issued by respondent no.4. Meanwhile, respondent no. 2 had also released the amount of gratuity of Rs.827026/- out of total gratuity due of Rs.918918/- after retaining 10% of the amount due i.e. Rs.91892/- towards the retention for holding government's accommodation by the applicant at the time of releasing the amount of gratuity as per norms vide PPO No.197952000036 dated 27.01.2020 (Annexure-A/3).

iv) The quarters controlling authority for revenue pool accommodation i.e. Office of the Principal Commissioner of Central GST Commissionerate, Chandigarh had issued a NOC dated 22.03.2022 to respondent no.1 and requested to release the withheld gratuity amount, if any. The applicant had written on 27.02.2023 to respondent no.1 to release the amount of the withheld amount of gratuity and also written reminders dated 31.07.2023



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per records, an amount of Rs.91,892/- have been recovered by the DDO and suggested the respondent No.1 to coordinate with office of respondent No.3 for settlement of retiral claims of the applicant.

v) A letter dated 22.10.2022 was, therefore, sent to respondent No.3 requesting to release the amount of Rs.91,892/- to the applicant but as no response was received from the office of respondent No.3, therefore, another letter dated 20.03.2023 was sent requesting for release of the retiral dues of the applicant. Subsequent to that again another letter dated 18.08.2023 with bank details of the applicant were sent to respondent No.3 but met with no response. Due to the aforesaid reasons, the answering respondents sent the impugned letter dated 26.10.2023 to the applicant and advised him to resolve the issue with the office of respondent No.3 out of goodwill and in good faith. Vide letter dated 21.10.2024, respondent. No.2 was requested to provide the details of payment made to respondent No.3 and respondent No.2 responded vide letter dated 03.12.2024 seeking No Due Certificate and Calculation sheet to release the withheld amount of gratuity and the same were provided to respondent No.2 on the next date. Respondent No.2 is currently in the process of releasing the withheld amount of gratuity. Thus, it is crystal clear that since the grievance of the applicant is under consideration, at this stage, the applicant has no locus standi to file the present OA by impugning the communication dated 26.10.2023 which is merely an intimation to the applicant qua the advise to take up his matter with respondent no.3 for its redressal.

4. The applicant has filed rejoinder wherein the applicant reiterated the contents of the O.A and emphasized on following submissions:

i) It is stated by the applicant that despite the repeated requests of the applicant the respondents had failed to pay the dues to the applicant even



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after passing more than 3 years, hence, there was cause of action. The respondents have never tried to pay the outstanding dues, even after filing of OA No.390/2024. Upto the extent of vacating the quarter after 7 months, because, in 2020, there was nation wide lockdown due to COVID, 2019 till July, 2020, hence, the accommodation was vacated on 06.08.2020. The amount was wrongly transferred to respondents No.2 & 3 wrongly by respondent no.1 instead of respondent no.4. Due to this blunder, the applicant has not yet received the payment due to him even after expiry of more than 4 years.

ii) It was the fault of respondents no.1 & 2 to send the amount due to wrong authority i.e. respondent no.3 instead of respondent no.4. The respondents very well known that the applicant is residing in Kangra, (HP), after his retirement and was about 63 years old person when he was advised to visit the offices of the respondents. This is classic example of harassment of the retired personnel of the respondents and they were just escaping from their responsibilities casted upon them. The respondents have admitted that they are now processing the payment due to the applicant for payment only after the filing of this OA. Therefore, the applicant has prayed that the instant OA filed by him be allowed with costs.

5. The applicant has also submitted the judgments in support of his arguments are as follows:

- i) **Karnail Singh Vs. State of Punjab**, reported in **2000 (1) SLR 659**.
- ii) **Puran Singh Vs. State of Punjab**, in **CWP No.13185 of 1992**, **decided on 04.01.1995**.

6. Heard both the counsels and have gone through the pleadings and averments made in this case.



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7. The Tribunal is of the view that admittedly, the withheld gratuity of the applicant should have been refunded in time, however, because of the commission/omission on the part of the respondents, the said amount has not been released so far to the applicant.

8. In view of the aforesaid, the OA is allowed with the direction to the respondents to release the balance gratuity amount along with @ GPF rate of interest on the delayed payment to the applicant within a period of 6 weeks from the date of receipt of a certified copy of this order.

9. With the aforesaid directions, the OA is allowed. No order as to costs.

(ANJALI BHAWRA)
MEMBER (A)

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