

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1678 of 2001

New Delhi, this the 5<sup>th</sup> day of October, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Bharat S/o Shri Shiv,  
Office Khalasi, C/o Permanent Way Inspector,  
Northern Railway,  
Baraut(U.P.).

Residential Address  
Quarter No.23-A, Railway Station,  
Bagpat Road, Bagpat. -APPLICANT  
(By Advocate: Shri S.Mehdi Imam proxy counsel  
of Shri Anis Suhrawardy)

Versus

1. Union of India  
Through its General Manager,  
Northern Railway  
Baroda House  
New Delhi.
2. Divisional Railway Manager,  
Northern Railway,  
State Entry Road,  
New Delhi.
3. Chief Divisional Engineer,  
Northern Railway,  
Baraut(U.P.).
4. Permanent Way Inspector,  
Northern Railway,  
Baraut(U.P.).

-RESPONDENTS

O R D E R

By Hon'ble Mr.Kuldip Singh, Member(Judl)

This is an OA filed by the applicant whereby he is aggrieved of an order dated 21th July, 1999(Annexure A-1) by which the respondents started deducting a sum of Rs.1322/- per month from his salary without any reason.

2. The facts of the case are that the applicant was appointed as a Gangman in the year 1974. Thereafter, he was permanently absorbed as a regular Khalasi w.e.f.1.4.81 and he was allotted Railway quarter No.23A at Railway Station Bagpat Road, UP on

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the ground that he was deployed to work in the office at Baraut, UP which is an adjoining station. The Headquarters of the Department in which the applicant was working was shifted from Baghpat Road UP to Baraut UP. The applicant was allowed to retain the said quarter and the respondents since did not allot an alternative quarter or issue any transfer passes in favour of the applicant. The applicant preferred OA No.1463/90 whereby challenged the impugned action of the respondents. The OA was dismissed(Annexure A-4) However, the Tribunal was pleased to direct to the respondents to issue Luggage and Family Passes in favour of the applicant in order to enable the applicant to shift to Baraut Station.

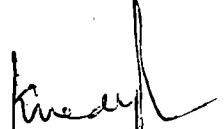
3. The respondents were also directed to allot the applicant a quarter at Baraut Station. However, after these observations were given by the Tribunal, the applicant did not vacate the said order. Applicant is continuing to occupy the quarter which he was earlier allotted and thereafter respondents passed impugned order and directed to deduct the amount from his salary. Vide impugned order, they have started to deduct a sum of Rs.1322/-,1322/- per month from his salary instead off complying with the observation given by the Tribunal regarding issue of family pass and luggage pass.

4. I have heard the parties and gone through the order of the Tribunal (Annexure A-4) whereby the applicant had approached the Tribunal to redress his grievance in the earlier OA by which he had impugned the order of respondents to vacate the quarter and he

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had prayed for quashing of the impugned order and for a direction to the respondents to stop recovery of Rs.523/- per month from his monthly salary. In the said order, the Tribunal observed that the applicant was a permanent staff of PW(I) Baghpat Road, respondent no.3 herein. It is stated that since the applicant did not vacate the said quarter, he is bound to pay the penal rent.

5. As regards the issue of transfer pass or luggage pass is concerned, if the respondents had not issued the same within reasonable time, applicant could have approached the Tribunal either by filing a C.P. or M.A. but he cannot file a fresh OA to reagitate the same matter again. Hence, I am of the considered opinion, the OA is not maintainable and is dismissed in limine. No costs.

  
( KULDIP SINGH )  
MEMBER(JUDL)

/kd/