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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA NO. : 2512/1999

New Delhi this the 11th day of April, 2001.

Hon'ble Shri M.P. Singh, Member(A)

Shri Rajkumar Khare,
Station Superintendent,
N.Rly. Station,
Pataudi Road.
Distt. Gurgaon (Haryana) ...Applicant.
(By Advocate: Shri B.N. Bhargava)

Versus

1. U.O.I through
The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway Division,
Bikaner (Rajasthan).
3. The Sr. Divisional Railway Manager,
Northern Railway Division,
Bikaner (Rajasthan). ...Respondents.
(By Advocate: Shri R.L. Dhawan)

O.R.D.E.R(Oral)

By Shri M.P. Singh, Member(A)

The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking direction to the respondents to grant sanction for the retention of Railway quarter at Inchapuri Station from 21st September, 1998 to 11th April, 1999 and not to deduct penal rent from his salary. He has also sought direction to refund the amount already deducted from the pay of September, 1999.

2. The brief facts of the case are that the applicant while working as Station Superintendent in Northern Railway was transferred from Inchapuri Station to Pataudi Road Station on 21st September, 1998. He



could not vacate the Railway quarter at Inchapuri Station due to sickness of his wife and also for the reason that an earmarked quarter at Pataudi Road Station was not vacated by the then Station Superintendent who retired from Railway service. Moreover, no other quarter of any type was available at Pataudi Road. The applicant had requested the respondents to grant permission for retention of Railway quarter and also submitted Medical Certificate from the Ayurvedic doctor. According to applicant, the treatment of his wife was referred to the Central Hospital/Delhi by the Railway Hospital and is still going on. All of a sudden without any prior notice, the respondents have started deducting of Rs.2000/- P.M. from the pay of September, 1999. The applicant made representation on 10.10.99 but no reply is received from the respondents till now. Aggrieved by this order he filed this OA.

3. The respondents, in their reply, have stated that a Railway employee on transfer from one station to another which necessitate change of residence may be permitted to retain the Railway accommodation at the former station of posting on sickness or educational account for a period of two months on payment of normal rent and for further period of six months on payment of special licence fee. These instructions further provide that where the request made for retention of Railway quarter is on ground of sickness of self or a dependent member of the family of the Railway employee, he will be required to produce the requisite Medical Certificate from the Authorised Medical Officer. According to the respondents, the applicant did not enclose Medical Certificate from the Authorised Railway Medical Officer



along with his application dated 29th September, 1998.

The applicant had submitted a letter dated 17th June, 1999 from the Divisional Medical Officer(Lines) Rewari (Annexure A-6) that his wife was taking treatment since October, 1998 but there is no mention in the said application regarding the retention of Railway quarter by the applicant at Inchapuri. Since the applicant did not submit the requisite Medical Certificate from the Authorised Railway Medical Officer regarding sickness of his wife, he was not permitted to retain the Railway accommodation at Inchapuri on his transfer to Pataudi Road Railway Station. He, therefore, remained in unauthorised occupation of Railway quarter at Inchapuri from 21st September, 1998 to 11th April, 1999 and the penal rent has therefore correctly been levied as per rules. In view of the aforesaid submissions, OA without any merit is dismissed.

4. Heard both the learned counsel for rival contesting parties and perused the record. During the course of the arguments, learned counsel for the applicant submitted that the applicant was not allotted earmarked quarter for Station Superintendent at Pataudi Road Station because his predecessor who retired from service did not vacate the earmarked quarter. Apart from this, keeping in view the duties of the applicant he could not take any private accommodation on rent away from the Railway Station, as he was required to stay near the place of his duty. On the other hand, learned counsel for the respondents drew my attention to the instructions contained in letter dated 15th January, 1990 issued by the Ministry of Railways. As per this letter a railway employee on transfer from one station to another



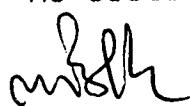
which necessitates change of residence, may be permitted to retain the railway accommodation at the former station of posting for a period of two months on payment of normal rent or single flat rate of licence fee/rent. On request by the employees, on educational or sickness account, the period of retention of railway accommodation may be extended for a further period of six months on payment of special licence fee. Where the request made for retention of railway quarter is on the ground on sickness of self or a dependent member of the family of the railway employee, he will be required to produce the requisite Medical Certificate from the Authorised Railway Medical Officer recommending the retention of the quarter. In this case, the medical certificate submitted by the applicant is not as per instructions contained in the aforesaid letter dated 15th January, 1990. Moreover, the applicant has not submitted the Medical Certificate from Authorised Medical Attendant at the time of seeking permission for retention of the quarter. Therefore, his request for granting permission to retain the Railway quarter at Inchapuri cannot be acceded to.

5. After hearing the learned counsel for both parties and perusing the records, I am of the considered view that the certificate submitted by the applicant from Divisional Medical Officer (Annexure A-6) regarding sickness of his wife has not been taken into consideration by the respondents, although he has not submitted the same at the time of submitting the application for retention of the quarter. However, the fact is that his wife was sick and was under treatment of the Authorised Medical Attendant. It will be in the fitness of the things if the respondents may consider the



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representation of the applicant in the light of the instructions contained in letter dated 15th January, 1990 and also the fact that Medical Certificate although not submitted in time but is issued by the Divisional Medical Officer. Accordingly the respondents are directed to decide the representation of the applicant taking into consideration the certificate issued by the Divisional Medical Officer showing the sickness of his wife and pass a speaking, reasoned and detailed order as per rules and instructions within a period of three months from the date of receipt of a copy of this order. No costs.


(M.P. Singh)
Member(A)

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