

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 194 of 2000
M. A. No. 219/2000

New Delhi, this the 8th day of May, 2002

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

(32)

1. Shri M.C. Yadav
R/o Quarter No.302/C-1,
Tughlakabad Railway Colony, Tughlakabad
Working as SE/TELE/Tughlakabad
Western Railway, Kota.
2. Shri H.K. Manocha
R/o Quarter No.402/B-2,
Tughlakabad Railway Colony, Tughlakabad
Working as Sr.SE/TRS/Tughlakabad
Western Railway, Kota.
3. Shri K.C. Aggarwal
R/o Quarter No.302/C-3
Tughlakabad Railway Colony, Tughlakabad
Working as Lab Superintendent/CMT
Western Railway, Kota.
4. Shri Balu Ram
R/o Quarter No.203/A-1,
Tughlakabad Railway Colony, Tughlakabad
Working as Technician-I/TRS/TKD
Western Railway, Kota.
5. Shri Lal Mani Singh
R/o Quarter No.202/D-3
Tughlakabad Railway Colony, Tughlakabad
Working as Technician-I/TRS/TKD
Western Railway, Kota.
6. Shri Raj Pal Choudhary
R/o Quarter No.104/B-4
Tughlakabad Railway Colony, Tughlakabad
Working as Technician-I/TRS/TKD
Western Railway, Kota.
7. Shri Israel Khan
R/o Quarter No.102/B-4
Tughlakabad Railway Colony, Tughlakabad
Working as Sr. Khalasi/PWI/TKD
Western Railway, Kota.

-APPLICANTS

(By Advocate: Shri K.K. Patel)

Versus

Union of India through:

1. General Manager,
Western Railway,
Church Gate,
Mumbai.
2. The Divisional Railway Manager,
Western Railway,
Kota.

KK~

3. Sr. Divisional Electrical Engineer
TRS/Tughlakabad,
New Delhi. RESPONDENTS 33

(By Advocate: Shri D.S. Jagotra)

ORDER (FORM)

This is a joint application filed by 7 applicants wherein they are seeking the following reliefs:-

(i) Call for the records of the case.

(ii) To direct the respondents to quash the committee report dated 2.12.1999 and 3.12.1999 and order dated 28.12.1999 annexed in the present application at Annexure-1 and 3 respectively.

2. The facts, as alleged by the applicants in brief are that all these applicants were issued show cause notices for charging damage rent in respect of Government accommodation allotted to them as the applicants have either sublet or partied with possession of the Government quarter and had allowed private persons to reside therein.

3. By an interim order respondents were directed not to recover market rent till the finalisation of the case.

4. The OA is being contested by the respondents.



5. It is the case of both the parties that when notice for charging damage rent was issued for misuse of the Government accommodation simultaneously the department had also initiated disciplinary proceedings against the applicants on the same allegations. The enquiry so initiated against those persons are still pending. One of the person, namely, Shri M.C. Yadav has been exonerated another person Shri K.C. Agarwal has been censured whereas the enquiry against others, namely, S/Shri Israil Khan, Lalmani Singh, Baluram and Rajpal ~~choudhary~~ that had been completed by the Inquiry Officer, but no decision has been taken on account of the present OA being pending before this Tribunal and the enquiry against Shri H.K. Minocha is stated to be under process.

(BA)

6. It is further the case of both the parties that the result of this case would also affect the disciplinary proceedings since some of the witnesses may also be common who had gone for inspecting the premises and they may also be a witness to the departmental enquiry.

7. In these circumstances I find that it is desirable to dispose of the OA at this stage because of the pendency of the OA final order in the disciplinary case is not being passed and since the final decision in the disciplinary proceedings would affect the state of the present case, so it is desirable that the final order in the disciplinary case should have been passed before deciding this OA finally and even otherwise the final order to be passed in the disciplinary case would also have a bearing on the present case.

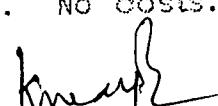
(AM)

(35)

8. Having regard to the discussion above, I order that pending the final decision in the disciplinary case the department shall not charge the damage rent from the applicants.

9. In case the final order in the disciplinary proceedings is passed against the applicants, then the department may levy damage rent against the applicants in accordance with the rules. But before making recovery, the applicants shall be given 2 weeks time so that if they have any grievance, they may approach the court for redressal of the same. The applicants would also be at liberty to challenge the final order passed in the disciplinary proceedings in accordance with law.

21. OA stands disposed of as above. No costs.


(KULDEEP SINGH)
MEMBER (JUDC)

Rakesh