

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI.

OA No.1466/67

Date of decisions: 2.8.1991

Shri Tara Chand Sharma

Applicant

Shri B.S.Charya

Advocate for the applicant.

Versus

The General Manager, Northern
Railway & ors.

Respondents

Advocate
..... / For the Respondents

CORAM:

THE HON'BLE MR.JUSTICE U.C.SRIVASTAVA, VICE CHAIRMAN(J)
THE HON'BLE MR. I.P.GUPTA, MEMBER(A)

JUDGEMENT

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE M.Justice U.C.Srivastava VC,

The applicant, who is a Northern Railway employee, has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 stating that deduction of Rs.20 per month towards house rent and Rs.50 towards water and electricity charges since 1986 and earlier Rs.12 on account of house rent and Rs.35/-towards water and electricity charges prior to October 1986 were made on the ground that ever since 7.4.1981 the applicant is occupying quarter No.117/20, Delhi Kishanganj, Delhi although he is not in occupation of the same and that accommodation is in occupation of Shri Avtar Singh, Record Lifter and that there is no order passed to this effect by the competent authority. The applicant is being denied house rent allowance of Rs.100 per month due to him from April 1981 to September 1986 and then enhanced rate of Rs.250/-per month from October 1986 as per rules by the respondents.

2. According to the applicant ever since his appointment as Carriage & Wagon Khalasi in 1981, he was allotted quarter No.35-K at Tuglakabad. Thereafter, he was allotted another quarter

No.81/7 in Kishanganj Railway Colony in 1969 and he was in possession of the same till 1975 when he came in possession of another quarter No.117/20 Railway Colony Kishan Ganj, Delhi and occupied the same till 7th April, 1981 when it was forcibly dispossessed. Though the said quarter was allotted to him he ceased to remain in possession of the quarter from 7.4.1981. During this period, no house rent allowance was paid to him but as a matter of fact Rs.12 had been deducted in lieu of the house allotted to him. Even after the dispossession of the applicant from the said quarter, Rs.20 per month are charged in lieu of alleged occupation, Rs.50 per month towards electricity and water charges and he is being denied Rs.250/- per month towards house rent allowance though he is not in possession of any quarter.

5. The respondents in the counter-affidavit have stated that the applicant has forcibly occupied quarter No.81/7 Kishan Ganj, Delhi on 15.7.69 and he occupied quarter No.117/20 Kishan Ganj during 1975. He was in unauthorised occupation of earlier quarter and that is why notice was issued and he was forcibly evicted and that he may be ordered to get the vacation certificate of quarter in question from the office of the Inspector of Works/Estate, Northern Railway after paying all the damages etc. with effect from 15.7.69 to 7.4.83.

4. These facts make it clear that the applicant was evicted forcibly after proceedings against him were taken and, therefore, vacation certificate is only a formality and this formality should have been done by the respondents themselves which they have not done. The respondents are directed to pay the house rent allowance to the applicant from the date when it becomes due to him upon vacation of the quarter in question and also make adjustments as necessary towards rent in respect of the quarter, occupied by him.

5. The above directions may be complied with by the

l/c

respondents within a period of three months from the date of receipt of this order.

6. The O.M is disposed of with the above directions. There will be no order as to costs.

I.P.Gupta

(I.P.GUPTA)
MEMBER(A)

U.C.Srivastava

(U.C.SRIVASTAVA)
VICE CHAIRMAN(J)