

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.NO. 1398/91

DATE OF DECISION: 07.04.1992.

SH. AJMER SINGH

APPLICANT

VERSUS

UNION OF INDIA

RESPONDENTS

CORAM:-

THE HON'BLE MR. S.P. MUKERJI, VICE-CHAIRMAN

THE HON'BLE MR. T.S. OBEROI, MEMBER(J)

FOR THE APPLICANT : SH. R.C. TOOR, COUNSEL

FOR THE RESPONDENTS : SH. P.P. KHURANA, COUNSEL

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

J U D G E M E N T (ORAL)
(delivered by Hon'ble Mr. S.P. Mukerji, Vice-Chairman)

The applicant before us is aggrieved by the rent which has been charged from him for railway accommodation during the period of his deputation to Iraq from 5.7.1988 to 30.6.1990. The applicant was sent on deputation by Government of India to Government of Iraq through RITES as per Annexure-B dated 6.9.1988. He returned from Iraq on 1.7.1990 and retired from the Railway Board on 31.8.1990.

During the period of deputation, he continued to occupy the railway accommodation even though eviction order had been passed by the respondents on 20.4.1989.

Nonetheless, the allotment of the government accommodation according to the learned counsel for the respondents, Shri P.P. Khurana was regularised on his return from

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Iraq ^{from} on 1.7.1990 till his retirement on 31.8.1990.

The point involved in this case is whether during the period of his deputation abroad, the applicant should be considered to be a railway servant or an employee of R.I.P.E.S.

During the course of arguments, it transpired that had the applicant been deemed to remain a Railway Govt. servant, he would have been able to retain government accommodation on payment of licence fee in accordance with S.R. 317(B-22). This enjoins that the applicant in that case would have been able to retain the government accommodation for four months at normal rent and thereafter he could have retained the railway accommodation at the discretion of the Railway Authorities on payment of double the rent for some period and penal rent thereafter.

From the conspectus of the facts and circumstances of the case, it appears to us that the applicant had continuously remained a Railway servant during the period of his deputation with the Government of Iraq and it was merely for administrative convenience that the deputation was effected through the RITES. The fact is that on his return from Iraq, he joined the Railway Board and retired from the Railway Board, thereafter and this conforms our view.

In the facts and circumstances of the case, we allow the application to the extent of directing the respondents that the applicant should be treated as a

Railway servant on deputation to the Government of Iraq for the purpose of retention of railway accommodation on payment of rent during the period of deputation and his liability to pay rent between 5.7.1988 to 30.6.1990 should be determined accordingly. In case, any money is to be recovered from the applicant after adjustment against dues already recovered, the same should be recovered in accordance with law. If excess recovery has been made, the excess amount should likewise be refunded to the applicant. Action on the above basis should be completed within three months from the date of communication of this order. There will be no order as to costs.

Seal 7.4.92
(T.S. OBEROI)
MEMBER(J)
07.04.92

Seal 7.4.92
(S.P. MUKERJI)
VICE-CHAIRMAN
07.04.92

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