

Central Administrative Tribunal
Principal Bench

OA No.2734/2004

New Delhi this the 11th day of November, 2004

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

Govind Singh,
Working as Diesel Asstt.
At North-Western Railway,
Rewari (Har.)

-Applicant

(By Advocate: Shri A.K. Trivedi, proxy for
Shri Yogesh Sharma)

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Mechanical Engineer,
North-Western Railway, DRM Office,
Bikaner.
3. The Sr. Section Engineer (Loco Foreman)/Loco,
Northern Railway, Delhi Sarai Rohilla.

-Respondents

ORDER (Oral)

Learned counsel heard.

2. Applicant has challenged respondents' orders dated 2.7.2004 (Annexure A-1) and dated 1.8.2004 (Annexure A-2) whereby respondents have decided to recover penal rent of Rs.80515/- from the pay of the applicant @ Rs. 4014/- P.M. on the allegation that he had retained quarter No. L-36Q at Delhi Sarai Rohilla despite his transfer on promotion to Rewari. Learned counsel stated that applicant was required to retain the quarter in view of the currency of the academic session of his children. He further stated that respondents have not cared to decide his representations made on 3.12.2002 and 23.9.2004. Relying on R.B.E. No.208/2000 (Annexure A-5), learned counsel pointed out that applicant was entitled to retention of the quarter for a period of two months on payment of normal rent on transfer and for a further period of six months on payment of special licence fee (double the rate of licence fee/rent) in order to cover the academic session of his children.
3. Although learned counsel has not been able to provide any proof regarding submission of representation dated 3.12.2002, he suggested that this OA be disposed of

by asking the respondents to consider applicant's detailed representation of 23.9.2004 and till the disposal the recovery ordered vide order dated 1.8.2004 (Annexure-2) be stayed.

4. In view of the concession relating to retention of quarter on transfer and academic session of the children of the Railway employee envisaged in RBE No.208/2000 and in the interest of justice as no show cause notice seems to have been issued against the applicant, in my view, this OA can be disposed of without issuing a notice to the respondents requiring them to consider and decide applicant's representation dated 23.9.2004 (Annexure A-6) by passing a detailed and speaking order within a period of one month from the date of communication of this orders. It would also be appropriate and again in the interest of justice to stay the operation of Annexure A-1 dated 2.7.2004 and Annexure A-2 dated 1.8.2004 till disposal of applicant's representation dated 23.9.2004 by the respondents as above.

Issue Dasti.

V.K. Majotra
(V.K. Majotra) 11.11.04
Vice Chairman (A)

cc.