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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1323/2004

New Delhi, this the 27th day of May, 2004

HON'BLE MR. SARWESHWAR JHA, MEMBER (A)

In the matter of:

Shri R.K. Agarwal,
General Manager/North
IRCON International Limited,
Northern Zone,
Near Delhi-Safdarjung Railway Station,
Moti Bagh,
New Delhi ... Applicant
(BY Advocate : Shri S.K. Tiwary)

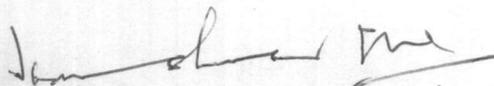
Versus

1. Ministry of Railways,
Government of India,
Through its Secretary,
Rail Bhavan,
New Delhi - 110 001
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi ... Respondents

ORDER (ORAL)

Heard the learned counsel for the applicant, who has submitted that the representations as filed by the applicant on 3.2.2004 and 23.3.2004 (Annexure A-3 Colly.) have not been responded to by the authorities concerned. The grievance of the applicant is that the impugned orders as issued by the respondents on 13.10.2003 and 14.1.2004, ordering recovery of damage rent from him, were issued while the representations as referred to above were pending.

2. The applicant, who has prayed for quashing of the impugned orders and also for directions being issued to the respondents not to effect recovery of damage rent in pursuance of the impugned orders, had been allotted



quarter No.304/3/B, Chems Ford Road, New Delhi, while he was posted as Chief Engineer/P&D/Northern Railway, New Delhi. He has, in the meantime, joined IRCON International Limited, New Delhi on 31.3.2003. On joining IRCON International Limited, he made a representation to the respondents to allow him to retain the said quarter at normal rent. While his request was still pending with the Railway Board, he was allotted a quarter by IRCON International Limited on 7.8.2003. He vacated the Railway quarter on the same day.

3. On perusal of the impugned orders, it is observed that while the respondents have allowed the applicant to retain the quarter from 22.7.2002 to 28.3.2003 and further from 29.3.2003 to 28.5.2003 on payment of licence fee, they have allowed retention of the quarter from 29.5.2003 to 28.08.2003 (date of vacation) on payment of damage rent.

4. On examination of the facts, it is observed that the matter raised by the applicant is limited only to a short period of about 3 months, i.e., from May, 2003 to August, 2003 and he has already submitted detailed representations to the respondents on the subject. The right course, therefore, for the respondents should have been to consider his representations and dispose of them of before they issued their letter dated 4th January, 2004 whereby a direction has been given to the General Manager, IRCON International Limited to arrange recovery of damage rent at the earliest.

5. Having regard to the facts and circumstances of the case and also having kept in view the fact that the Railway quarter has already been vacated by the applicant and also that his representations on the subject have been

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pending with the respondents, this OA is disposed of at the admission stage itself without awaiting reply from the respondents with a direction that the respondents consider the representations of the applicant as mentioned in this OA together with this OA, treating the same as another representation of the applicant, and dispose them of by issuing a reasoned and speaking order within a period of one month from the date of receipt of a copy of this order. As prayed for by the learned counsel for the applicant and also allowing the same, the respondents are further directed not to recover the damage rent till they have not disposed of the representations together with this OA as directed above.

6. The OA stands disposed of with the above directions.


(Sarveshwar Jha)
Member (A)

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