

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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Allahabad : Dated this 14<sup>th</sup> day of December, 1999  
Original Application No.387 of 1996

District : Mathura

CURAM :-

Hon'ble Mr. Justice Neelam Sanjiva Reddy, V.C.

M.K. Sinha, S/o Sri V.K. Saxena,  
Working as W.T.M.(A) Microwave  
Under Chief Signal Inspector,  
Mathura under Divisional Railway Manager,  
Railway, Jhansi, R/o Rly. Quarter No.R.B.II, 79D  
Railway Colony, Mathura.

(Sri H.P. Pandey, Advocate)

Applicant  
versus . . . . .

1. Union of India through the General Manager,  
Central Railway, H.Q. Office Bombay V.T.
2. Divisional Railway Manager, Central Railway,  
D.R.M.'s Office, Jhansi,
3. Assistant Executive Engineer, Mathura,  
Chairman Housing Committee,  
Railway Mathura.

(Sri G.P. Agrawal, Advocate)

. . . . . Respondents

ORDER (Oral)

The application has been filed to quash the  
letter dated 24-7-1995 from D.R.M.(P) Jhansi and  
letter dated 18-8-1995 to recover damage rent from  
the applicant's wages from 30-7-1992 to 27-11-1994,  
amounting to Rs.39091/- treating the same as  
unauthorised.

2. The applicant is a W.T.M.(A) Microwave working  
under Chief Signal Officer, Mathura. The undisputed  
fact is that during the relevant period the occupation  
of the quarter was not authorised. The applicant,  
no doubt, made an application for authorisation to  
the concerned authority but it was not considered.

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3. Learned counsel for the applicant fairly submits that in view of the decision of the Full Bench of the Tribunal in case of Ram Poojan Vs. Union of India and another<sup>1</sup>, and the Apex Court decision in Amitabh Kumar and another Vs. Director of Estates and another<sup>2</sup>, the application cannot be sustained. He further submits that the applicant would be in dire financial straits if heavy penal rent is levied and that would in turn affect the financial position of the family, ultimately resulting in the inefficiency of the workman.

4. Considering the above submission the OA is dismissed with a direction that the second respondent i.e. D.R.M. Central Railway, D.R.M. Office, Jhansi, to sympathetically consider the application of the applicant if submitted to reconsider for regularising the unauthorised occupation of the quarter by him at the relevant period. The applicant is directed to submit his fresh representation to the second respondent within 30 days from today. The second respondent is directed to dispose of the representation of the applicant within 90 days from the date of application thereafter. In the circumstances of the case, the parties shall bear their own costs.



Vice Chairman

Dube/

1. (1996) 34 ATC 434(FB).

2. AIR 1997 SC 1308.