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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

Dated: Allahabad, the 20th day of March, 2001

Coram: Hon'ble Mr. S. Dayal, A.M.

ORIGINAL APPLICATION NO. 1030 OF 1997

Ashish Kumar Saxena,
s/o Sri Mankameshwar Saxena,
resident of Railway Quarter No.34/C Panki,
Kanpur.

. Applicant

(By Advocate Sri Satish Dwivedi)

Versus

1. Union of India, through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Assistant Engineer (Track),
Northern Railway, Kanpur.
3. Senior Section Engineer-II (P.Way),
Northern Railway, Kanpur.
4. The Station Superintendent,
Northern Railway, Panki.
5. The Chief Permanent Way Inspector,
PQRS, Panki, Kanpur.

. Respondents.

(By Advocate Sri A.K. Pandey)

O R D E R (ORAL)

(By Hon'ble Mr. S. Dayal, AM)

This application has been filed for a
direction to the respondents to allot Railway Quarter
No.34/C Panki, Kanpur in favour of the applicant. A
further direction has been sought for refund of the

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amount of penal rent/public rent deducted from the salary of the applicant with effect from October, 1994 with interest at the rate of 18% per annum.

2. I have heard Sri Satish Dwivedi for the applicant and Sri A.K. Pandey for the Respondents.

3. The applicant claims that he joined on the post of Gangman with effect from 29th August, 1986 and was allowed by the Chief P.W.I. and Senior Section Engineer to reside in the Railway Quarter No.34/C, Panki. He made application on 16.4.1994 for allotment of the Railway Quarter No.34/C, Panki. The Respondents, however, started deducting rent @ Rs.900/- per month as panel rent from October, 1994. It is claimed that Rs.29,700/- have been deducted from the salary of the applicant by way of rent upto 2.2.97 and the said rent was charged initially @ 900/- p.m. upto 31.3.94 and @ Rs.1209.12 with effect from 1.4.94 to 30.9.94 and @ Rs.1486/- p.m. from 1.10.94 onwards. The applicant claims that since the initial occupation of the quarter was not unauthorised, therefore the quarter should be allotted to him at normal rent of Rs.34/- per month. The respondents have stated that the applicant started living in the railway quarter No.34/C Panki and thereafter requested for allotment. Thus, his initial stay in the quarter was unauthorised and without any regular allotment. It is stated that he was instructed by the SSE/P.Way.II/Kanpur by his letter No.E/4/94 dated 25.4.94 to vacate the railway quarter immediately, because his name in the priority register was at the bottom and he was a juniormost Gangman, but he did not vacate the same. Therefore, recovery of penal rent @ Rs.1209.12

3.

OA No. 1030/97

was started with effect from 1.10.1994. It is conceded by the respondents that the applicant received House Rent Allowance only upto 16.4.1994 only.

4. I have perused Annexure No.1 to the O.A. which, according to the applicant, is authorisation to stay in the railway quarter. The authorisation was given by the Permanent Way Inspector/PQRS, because the quarters built for PQRS employees were incomplete and without any electrical fittings and had not been allotted to any person in an authorised manner. The applicant was allowed to stay in one Type-I quarter on account of requirement of ^{his} availability at all hours. Such a permission was granted orally. Thereafter, the applicant has been made to pay rent @ Rs.900/- to Rs.1486/- p.m. for various periods of unauthorised occupation.

5. I do not find that the applicant can claim that he occupied the railway quarter in an authorised manner. However, since the applicant was allowed to stay in the interest of the department by superiors in unfinished quarter and he did not receive any House Rent Allowance after April, 1994, I am inclined to grant the applicant three months' time to vacate the quarter, and if the applicant vacates ^{at} the same, he shall be charged rent twice the normal rent for the period of ^{after he vacates the quarter.} occupation. The learned counsel for the applicant has given an undertaking that the applicant shall vacate the railway quarter within a period of three months from the date of this order. The Respondents shall comply with these directions within a period of four months from the date of receipt of a copy of this order. No order as to costs.

S. Dayal
(S. DAYAL)
MEMBER (A)

Nath/