

(RESERVED)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 12th day of November, 1999.

ORIGINAL APPLICATION NO.645 OF 1997

Present :- Hon'ble Mr. S. Dayal, Member(A)

A.K. Chowdhary,
S/o. T.B. Chowdhary,
R/o. Rly. Quarter No.17, Dalamia Nagar,
Dehri-on-Sone,
Dt. Rohtash.Applicant

(By Shri S.K. Dey and Shri S.K. Mishra, Advocates)

Versus

1. Union of India through
the General Manager,
E.Rly. Calcutta-1.
2. Divisional Railway Manager,
E.Rly., Mughalsarai.

..... Respondents

(By Shri A.K. Gaur, Advocate)

ORDER

(By Hon'ble Mr. S. Dayal, Member(A))

This original application has been filed by the applicant for setting aside of order of recovery of damage rent dated 29-9-96 and for refund of amount if any illegally recovered as damage rent.

2) The case of the applicant is that the applicant when posted in Gaya as PWI was in occupation of Railway quarter No.10 Inspectors colony, Gaya, on payment of rent

of Rs.160/- per month. He was transferred from Gaya to Mughalsarai and joined at Mughalsarai on 1-12-95. He made an application for allotment of quarter on the same day, but he was not allowed any quarter and sought retention of quarter at Gaya for 2 months. He further made an application on 23-3-95 for retention of quarter at Gaya on normal rent up to 30-9-95 for treatment of his wife. He was transferred from Mughalsarai to Dehri-on-sone and joined there on 14-2-96. He sought allotment of quarter at Dehri-on-sone on joining there and vacated quarter No.10 at Gaya on 8-4-96 on allotment of quarter at Dehri-on-sone. He made an application for regularisation of occupation of his quarter No.10 at Gaya from 1-4-95 to 7-4-96. The respondents however issued an order of recovery of damage rent from 1-10-95 to 7-4-96 @ Rs.11,000/- per month.

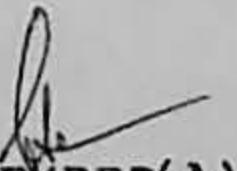
- 3) The arguments of Shri S.K.Mishra for the applicant and Shri Prashant Mathur proxy counsel for Shri A.K.Gaur for respondents were heard. The pleadings on record have been taken into consideration.
- 4) The respondents in their counter reply have claimed that the damage rent was charged after the permissible period of retention of quarter vide Railway Board circular dated 21-12-95. There was no authority with the respondents to waive the recovery of damage rent.
- 5) The applicant in his Rejoinder has referred to letter No.E/Rent/16/TE/89, dated 14/11/90 which

permitted an employee to retain quarter at one of these places till allotment of quarter at the other of these places i.e. Mughalsarai, Gaya, Dehri-on-sone and Sonnagar. I have seen a copy of such an order which has been signed for Divnl. Railway Manager, Eastern Railway, Mughalsarai produced on 17-9-99 by learned counsel for the applicant.

6) The written arguements filed on 22-9-99 by learned counsel for respondents have again raised the same issues against the claim of the applicant which were raised in the counter reply. He has, however, not expressly denied the issuance of letter dated 14-11-90 by D.R.M., Eastern Railway, Mughalsarai.

7) I, therefore, allow the relief sought by the applicant and set aside the order of recovery of damage rent from the applicant dated 29-9-96 and further order that any amount, if recovered as damage rent from the applicant, shall be refunded to him within a period of three months.

8) There shall be no order as to costs.



MEMBER(A)

/satya/