

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

(22)

Allahabad this the 18th day of July 2000.

ORIGINAL APPLICATION NO. 1097 of 1997.

CORAM:- Hon'ble Mr. Justice R.R.K.Trivedi, Vice Chairman
Hon'ble Mr. S. Dayal, Member (A).

Pramod Kumar Singh S/O Udai Bhan Singh
r/o 227-A Rly. Stadium Colony, Gorakhpur
at present working as DSK-II, Gorakhpur
Depot, N.E.Rly, Gorakhpur.

.....Applicant.

Counsel for the applicant: Shri V.K.Burmon.

VERSUS

1. Union of India through General Mangaer,
North Eastern Rly.. Gorakhpur.
2. Controller of Stores, N.E.Rly., Gorakhpur.
3. Deputy Controller of Stores, Gorakhpur Depot,
North Eastern Rly., Gorakhpur.

.....Respondents.

Counsel for the respondents: Shri A.K.Gaur.

.....Contd.....



ORDER

(By Hon. Mr. Justice R.R.K.Trivedi, Vice Chairman.)

This application under section 19 of the Administrative Tribunal Act 1985, has been filed by the applicant Sri Pramod Kumar Singh, challenging order dated 16-9-1997 Annexure A-9 of the application.

2. The facts giving rise to the application are that applicant was transferred from Gonda to Gorakhpur in June 1996. He made application on 19 June 1996, for permission that he may be allowed to share Railway quarter No. 227/A Type III, Railway Stadium Colony, Gorakhpur, with Shri J.B.Singh (Brother in law of the applicant), the allottee of the quarter. By order dated 4th July 1997 the Store Controller granted permission to the applicant for sharing the accommodation. He also directed[^] that the house rent allowances shall be deducted from the salary of the applicant and Shri J.B.Singh. By order dated 16-9-1997 Annexure A-8, however, the aforesaid order dated 4th July 1997 was cancelled and applicant was directed to vacate the possession of the accommodation immediately, aggrieved by the aforesaid order this application has been filed.

3. We have heard Shri V.K.Burman, for the applicant and Shri A.K.Gaur, learned counsel for the opposite party. Shri Burman has submitted that order dated ~~16~~¹⁹ 16-9-1997, is arbitrary and illegal and has been passed in utter violation of the Principles of Natural Justice, as no opportunity of hearing was afforded to the applicant. He has also submitted that the sharing of the accommodation with his close relation was fully justified and the Railway Authorities authorised him, in terms of the rules of allotments.



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Shri A.K.Gaur, on the other hand submitted that the applicant was residing in unauthorised manner with his brother in law Shri J.B.Singh allottee of the quarter and was also ^{receiving} house rent allowances. It has also been submitted that the authorities on being ^{or apprized} ~~approved~~ of true facts cancelled the ^{or} ~~the~~ permission for sharing the quarter. It has also been submitted that Shri J.B.Singh (the allottee of the quarter) has already been transferred and applicant has not locus standi ^{to} maintain this application.

5. We have carefully considered the submissions of the learned counsel for the parties. We find substance in the submission made by Shri Burman ^{that} that order dated 16-9-1997 has been passed without affording any opportunity of hearing to the applicant. It cannot be doubted that the order entails serious civil consequences against the applicant. Shri Burman also submitted that condition was provided in the order that house rent allowances shall be deducted from the salary. Thus, the Railways authority ought to have afforded opportunity of hearing to the applicant before he was deprived of the benefits under the earlier order. The impugned order 16-9-1997 cannot be sustained. However, before parting with the case we make it clear that merely on basis of this sharing applicant will not have any right in the quarter to retain its possession if allottee of the quarter, Shri J.B.Singh ^{has} ~~has~~ been transferred. We also make it clear that the house rent allowances if ^{have} ~~has~~ not been deducted from


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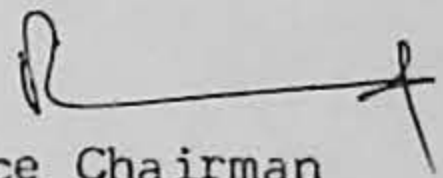
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salary of the applicant, it shall be open to the authorities
^{of to}
~~that~~ realise it from the applicant, interms of the order
dated 4th July 1997. Application is allowed the order
dated 16-9-1997 is quashed.

There will be no order as to costs.


Member (A)


Vice Chairman

/Madhu/