

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 702 of 1998

Allahabad this the 08th day of May, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Radhey Sh-yam, Ram S/o Shri Lalmuni working as Sr.Clerk under Divisional Railway Manager in Operating Branch, North Eastern Railway, Varanasi.

Applicant

By Advocate Shri C.P. Gupta
Shri Anand Kumar

Versus

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railway, Varanasi.
3. Sr.Divisional Operating Manager, N.E.Railway, Divl.Railway Manager's Office, Varanasi.
4. Divisional Personnel Officer, North Eastern Railway, Varanasi.

Respondents

By Advocate Shri K.P. Singh

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

While applicant was posted at Kaptanganj as Trains Clerk, he was allotted quarter no.TB-6 Type II and it was vide order dated 22.10.1996

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that the applicant was promoted to the post of ^{Guard} Grade 'C' and posted at Chapra, Bihar. The applicant met with accident on 17.12.1996 and remained under treatment. This accident also resulted into his decategorisation from Guard cadre and vide order dated 24.12.1997 he was ^{and posted} transferred to the post of Senior Clerk at Varanasi. The applicant retained the quarter at Kaptanganj and vacated it only on 10.4.1998 ^{include a period} for which there is discount of eight months, for which he was permitted to retain and for rest of the period he has been subjected to make payment of damage rent on account of unauthorised occupation from 20.6.1997 when the permitted period expired till 10.4.1998 when he vacated this residence. The applicant has come up impugning the order by which he is required to pay damage rent for unauthorised occupation of quarter at Kaptanganj.

2 Considered the arguments and pleadings advanced from either side.

3. It is not in dispute that the applicant was transferred from Kaptanganj on 22.10.1996. It is also not in dispute that he sought for permission to retain his quarter and the permission was granted firstly for two months and thereafter for six months and thereby he remained under authorised occupation

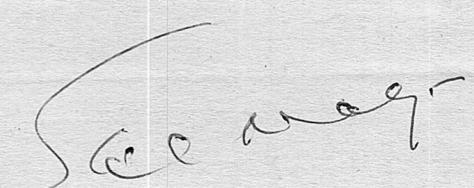
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till 20.6.1997 and thereafter upto 10.4.1998 i.e. for 10 months his occupation of the quarter in question was unauthorised. It can also not be disputed that an unauthorised occupant is liable to pay damage rent , but it is also a fact that the applicant met with serious accident while on duty for which he remained confined for treatment and had to be decategorised from the cadre of Guard and ultimately posted as Senior Clerk, Varanasi and, therefore, it may not be possible for any order from judicial side to interfere into the matter, ^{However} ^{but} the competent authority in the respondents establishment can review the order on the move of applicant and may take a sympathetic view taking into consideration the facts and circumstances of the case.

4. For the above, the O.A. is decided with the observation that in case the applicant moves a representation within 4 weeks, same be decided by the competent authority in the light of above observation, and till then the realisation of damage rent shall remain stayed, and thereafter it shall be in accordance with the order passed by the department as above. No cost.


Member (J)

| M.M. |