

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1022 OF 2001

TUESDAY, THIS THE 10TH DAY OF DECEMBER, 2002

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

Abdul Jabbar,  
s/o Late Shri Khwaj Bux,  
r/o K-136-D, Railway Colony,  
Sipari Bazar Jhansi. .... Applicant.

(By Advocate:-Shri R.K.Shukla)

Versus

1. Union of India through its  
General Manager, Central Railway,  
Jhansi.
2. Senior Divisional Maintenance Engineer,  
Central Railway,  
Jhansi.
3. Senior section Engineer (Administration),  
Carriage and Wagon,  
Central Railway,  
Jhansi. --- --- --- Respondents.

(By Advocate:- Shri K.P.Singh)

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HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

By this O.A under section 19 of Administrative Tribunal's Act, 1985, applicant has challenged the order dated 18-7-2001 by which representation of the applicant has been rejected.

2. The facts in short giving rise to this application are that applicant is serving in Railway as Helper Khalasi. He occupied quarter No. K-136-D at Jhansi without any

<sup>order</sup>  
allotment. The Railway Administration imposed damage rent for unauthorised occupation and started deducting Rs. 1000/- per month towards payments of the same. The action of the respondents ~~was~~<sup>is</sup> challenged by applicant in this Tribunal by filing O.A 454/01 which was decided finally by order dated 25-4-2001. The direction given was as under:-

For the above the respondents are directed to decide the representation dated 07-2-1998 (Annexure-3) of the applicant within 4 weeks from the date of communication of this order and pass a detailed, reasoned and speaking order after giving an opportunity of being heard to the applicant and till the decision is taken on the representation of the applicant and order passed thereon, the impugned recovery shall remain stayed and thereafter it shall be subject to order passed by the competent authority."

3. In pursuance of the aforesaid direction of this Tribunal, respondent No. 2, Senior Divisional Maintenance Engineer, Central Railway, Jhansi has decided the representation <sup>of the applicant</sup> by the impugned order dated 18-7-2001.

Representation has been rejected and it has been found <sup>for</sup> that unauthorised occupation from 15-7-1987 to 31-12-1996 the amount charged Rs. 45,380/- is justified. In the order, it has been observed that applicant accepted, at the time of personnel hearing, ~~during~~<sup>In the</sup> the aforesaid facts. Counter Affidavit letter of the applicant dated 11-7-2001 has been filed. From perusal of the letter it is clear that applicant accepted his mistake of occupying the quarter

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without allotment. He further prayed that the occupation of the applicant may be made regular w.e.f. 15-7-1987. Considering the contents of the application dated 11-7-2001, it is clear that the occupation of the applicant was illegal.


4. The learned counsel for the applicant however, submitted that applicant was asked to sign <sup>✓</sup>a blank paper and this letter has been manufactured subsequently. Shri K.P.Singh, learned counsel for the respondents, on the other hand, submitted that earlier also applicant has <sup>✓</sup>written such letter on 13-5-1992, wherein he narrated the circumstances in which he occupied the quarter and requested for allotment.

5. I have considered the submissions of the counsel for the parties.

6. From <sup>✓</sup>reading of letter <sup>✓</sup>dated 13-5-1992 and 11-7-2001 <sup>✓</sup>there remains no doubt that the applicant had occupied the quarter without allotment and the damage rent imposed is justified.. The learned counsel for the applicant has admitted that earlier <sup>✓</sup>an higher amount was fixed but after order of this Tribunal Rs- 10320/- has been refunded to the applicant and finally <sup>✓</sup>Rs-45380/- has been <sup>✓</sup>deducted <sup>✓</sup>as damage <sup>✓</sup>rent. Considering these <sup>✓</sup>circumstances it cannot be said that the respondents have <sup>✓</sup>not passed any <sup>✓</sup>reasonable order. <sup>✓</sup>The order <sup>✓</sup>is justified and calls for <sup>✓</sup>any <sup>✓</sup>no

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interference. Application has no merit and accordingly rejected. There shall be no order as to costs.

  
Vice Chairman

Madhu/