

**OPEN COURT**

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
BENCH ALLAHABAD**

(THIS THE 17<sup>th</sup> DAY OF December, 2009)

PRESENT:

**HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J**

**ORIGINAL APPLICATION NO. 514 of 2004**  
(U/s, 19 Administrative Tribunal Act.1985)

Y.D. Saxena, aged about 63 years, Son of Late Sri R.N. Saxena,  
R/o 236-A Gher Jaffar Khan, Near Water Tank, Purana City,  
Bareilly (U.P.)-243003 Retired from the Station Superintendent  
Chanehti, on 31.05.2001.

.....*Applicant*

By Advocate: Shri R.C. Pathak

Versus

1. The Union of India through the General Manager,  
Northern Railway HQ, Baroda House, New Delhi.
2. The Divisional Railway Manager (D.R.M.) Northern  
Railway, Moradabad (U.P.).
3. The Station Manager Northern Railway Bareilly Station  
Bareilly (U.P.)
4. S.C. Gupta, PW-I, Super Depot, Clutter Buckganj, Station  
Northern Railway, Bareilly (U.P.).

.....*Respondents*

By Advocate: Shri A. Tripathi

**ORDER**

Heard learned counsel for the applicant and Sri A.  
Tripathi, Advocate, representing the respondents at length.

2. Facts of the case, leading to file of this O.A, are simple  
and undisputed. Sri Y.D. Saxena/Applicant, who was an  
employee of the Respondents' Railways at relevant time



serving at Bareilly. He was transferred from Bareilly to CSTI (Chaneti) said to be at 8 Km from Bareilly. At Bareilly, applicant with his family residing in the allotted residential quarter belongs to the respondents' railways. The applicant applied for permission to continue in possession of said residential quarter because of various family circumstances including his children studying at Bareilly and also the fact that no residential quarter was available/ allotted to him at Chaneti.

3. The applicant was constrained to file in past O.A. No.103 of 1999, which was decided on May 10, 2002 (copy of the order filed as A-13/Compilation-II). In pursuance to the said order applicant filed representation dated 22.07.2002 (copy filed Annexue-14/Compilation-II).

4. Further I perused the counter affidavit, the relevant para-23 of the said Counter Affidavit is reproduced:-

*"That the contents of paragraph no.4 (xvii) and 4(xviii) of the original application are not admitted as stated hence denied. It is however, further submitted that in compliance of the orders of Hon'ble Central Administrative Tribunal, Allahabad dated 10.05.2002, the competent authority has considered the representation dated 22.07.2002 submitted by the applicant and has permitted/regularized the railway quarter in question (T-30/B) in favour of the applicant as under:-*

<i>From 07.11.97 to 06.01.98</i>	<i>2 months permission @ normal rent.</i>
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<i>From 07.01.98 to 06.07.98</i>	<i>6 months retention/permission</i>
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*Am*

@ double of normal  
rent

*From 07.07.98 to 16.02.2000*

Panel rent charged  
(being unauthorized  
occupant),

*From 17.02.2000 to 28.06.01*


As per decision  
Central Housing  
Committee dated  
17.02.2000 the said  
quarter (T-30/B) was  
declared non-pooled  
accommodation for  
Station  
Superintendent  
CHTI. The applicant  
who was posted as  
Station  
Superintendent of  
CHTI and occupying  
the quarter no. T-  
30/B at Bareilly. So  
that the quarter has  
been regularized in  
the name of applicant  
from the date of  
decision of Central  
Housing committee  
i.e. 17.02.2000 till the  
date vacation  
(28.06.2001). Panel  
rent for the period  
from 07.07.98 to  
16.02.2000 (Being un-  
authorized occupant)  
recovered from the  
applicant.

5. Afore quoted Para-23 of the Counter Affidavit has been replied vide para-17 of the Rejoinder Affidavit, which reads as follows:-

*"That the contents of paragraph no.23 of the counter affidavit are misleading hence denied and not admitted. In reply it is submitted that the respondent has illegally charged the damaged rent from the D.C.R.G. of deponent, because, there is no fault on the part of the deponent, the respondents have failed to provide/allotment of any railway quarter to the deponent at CHTI, and also failed to*

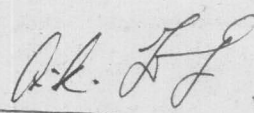
*lu*

*give any justification, therefore, whole responsibility vest upon the respondent."*

6. A part from the aforesaid pleadings, I fined that impugned decision/order dated 21.11.2002, (decided on the representation of the applicant – referred to above in this order) the authorities held that damages of rent was deducted from other persons, who retained quarter unauthorizedly. The impugned order, however, no where dealt with other relevant circumstances namely, applicant was transferred/posted at the 8 Km away from Bareilly and that he had to attain the age of superannuation (i.e. 31.05.2001) and the fact that no quarter was made/available to him at Chaneti.
7. The impugned order shows that decision of housing committee was delayed because it failed to take decision and fixed dates after dates. This shows that request of the applicant for allotting residential quarter was not considered by the Housing Committee promptly.
8. The applicant should not suffer for lapse on the part of the Committee. He is entitled to the relief with effect from the date he approached the authority/committee for considering his request, relief must be effective from the date and till date no decision has been taken by the housing committee
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9. In view of the above, impugned order dated 21.11.2002 is hereby set aside with direction to concerned respondent authority to refund entire amount (Rs.2,50,000/-) along with simple interest @ 7% and the amount of DCRG as referred in Para 4.14 of the O.A.

10. O.A. allowed subjected to above directions. No costs.

  
Member (J)

/Sushil/-