

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH ALLAHABAD**

(THIS THE 17th DAY OF December, 2009)

PRESENT:

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

ORIGINAL APPLICATION NO. 668 of 2004
(U/s, 19 Administrative Tribunal Act.1985)

Parmatma Saran S/o of Shri Kishan R/o H. No.219 Tyre Mandi
Brahmpura, Bareilly (U.P.) Presently is working as Senior Parcel
Clerk under Chief Parcel Supdt. Northern Railway Bareilly
Station, Bareilly (U.P.).

.....Applicant

By Advocate: Shri R.C. Pathak

Versus

1. 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 Divisional Railway Manager (Commercial) Northern
Railway Moradabad (U.P.)
4. The Station Supdt. Northern Railway Bareilly Junction,
Bareilly (U.P.)
4. The Chief Parcel Supdt. Northern Railway Bareilly
Junction, Bareilly (U.P.)

..... Respondents

By Advocate: Shri A. Tripathi

ORDER

Heard learned counsel for the applicant and Sri A.
Tripathi, Advocate, representing the respondents and
perused the pleadings and documents on record.



2. Applicant was appointed as Gate-man and subsequently promoted as Postman on 1991 thereafter as Marks-Man. Applicant also promoted as Booking Clerk in the year 1996 and Senior Booking Clerk in the year, 1998. The applicant was posted at Rampur as Sr. Booking Clerk. Admittedly, the applicant was paid House Rent Allowance since no Quarter was allotted to him. Admittedly, the applicant had applied for not allotting the quarter during intervening period. On the other hand, according to the applicant he shared a quarter, which was residential quarter, along with another allotted to other employee (namely, Sri Bhagirath); said regular employee allotted the quarter on 12.10.1997. The applicant continues to retain possession up to 03.02.2003. Applicant has been started paying the damages/penal rent according to rules.


3. A statement is made by learned counsel for the applicant that rent (under aforementioned impugned order) has been demanded in installments for the period during September 2001 to 2003. According to applicant there is no deduction after interim order was passed by this Tribunal.

4. In the instant case there is no dispute that applicant had illegally and unauthorizedly occupied residential Quarter No. T 20-A at it was never allotted to him.

[Signature]

5. No attempt is made to show that 'Penal/damage' is charged on wrong basis or calculation.

6. In view of the above, I find no illegality in the impugned orders. O.A. has no merit it is accordingly dismissed. No costs.


Member (J)

/Sushil/-