

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH: ALLAHABAD.

ALLAHABAD, THIS THE 7th DAY OF OCTOBER, 2005.

QUORUM : HON. MR. K.B.S. RAJAN, J.M.

## ORIGINAL APPLICATION NO.1217 OF 2005

Birbal Paswan, Son of Aneetha Paswan, R/O 815/A, Type-I,  
New Central Colony, Mughal Sarai, Chandauli.

..... Applicant.

Counsel for applicant : Shri S.K. Dey &amp; Shri S.K. Mishra.

Versus

1. Union of India through General Manager, Eastern Railway, Hazipur, Bihar.
2. The Senior D.S.T.E., E.C. Rly., Mughalsarai, Chandauli.
3. The Senior D.P.O., E.C. Railway, Mughal Sarai, Chandauli.

..... Respondents.

Counsel for Respondents : Sri .....

O R D E R (Oral)HON. MR. K.B.S. RAJAN, J.M.

The applicant is aggrieved by the recovery of Rs.1573/- <sup>pm</sup> in addition to the normal rent of Rs.46/- in respect of retention of accommodation 815-A-51, New Central Colony, Mughal Sarai. A charge sheet was issued to the applicant vide memo dated 19.7.2002. According to the applicant, no penalty order has been served upon him and it is through the pay slip for the month of May, 2005, he has come to know that recovery of Rs.1573/- as rent is being made in addition to the normal rent of Rs.46/-. He had preferred an appeal against such recovery vide appeal dated 2.3.2005. It is stated that the said appeal has not been disposed of so far. It has also been stated by the counsel for applicant that in a separate proceeding, the ~~Estate~~ Officer has initiated action vide notice dated 7.1.2005 (Annexure-5). According to applicant's counsel, <sup>the</sup> ~~Estate~~ stage of recovery comes only after eviction order is passed under the Public Premises (Eviction) of Unauthorized Occupation Act, 1972.

2. As the representation of the applicant dated 2.3.2005 is still pending, it will be ~~appropriate~~ <sup>appropriate</sup> issued to issue direction to the respondents to dispose of the said representation within a specified period and the respondents may take into account all the grounds raised in this O.A. as a part of the representation. As the penalty order is not available in the file, this course of actions is being resorted to.

3. In the interest of justice this O.A. is disposed of at the admission stage itself with a direction to Respondent No.2 to take into account all the grounds and contentions raised in this O.A. and treat it as a part of representation dated 2.3.2005 and dispose of the representation within two months from the date of communication of this order. Till such time the representation is disposed of, the respondents shall not effect any further recovery from the pay of the applicant. I have not expressed any opinion over the <sup>merit of the</sup> matter.

The O.A. is disposed of.

No order as to costs.

  
J.M.

Asthana/