

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No.533/2020

Reserved on :18.03.2021
Pronounced on:24.03.2021

**Hon'ble Mr. Dinesh Sharma, Member (A)
Hon'ble Mrs. Hina P. Shah, Member (J)**

Jitendra Kumar Mangal S/o Shri Prakash Chand Mangal, aged about 43 years, by cast Agrawal/Mahajan, R/o Weir, District-Bharatpur (Rajasthan) posted as Deputy Chief Electrical Engineer/Railway Electrification/Kota (Raj.)324002. (Group-A) Mob. No.8209040799.

...Applicant.

(By Advocate: Shri Arvind Sharma)

Versus

1. Union of India through Divisional Railway Manager, West Central Railways, Shtital Chowk, Railways Station Main Road, Kota (Raj) PIN Code 324002.
2. The Senior Divisional Personnel Officer, West Central Railways, Shtital Chowk, Railways Station Main Road, Kota (Raj) PIN Code 324002.

...Respondents.

(By Advocate: Shri M.K.Meena)

ORDER

Per: Dinesh Sharma, Member (A):

In this OA, the applicant wants us to direct the respondents to issue order for regularization/re-allotment of quarter at normal rent and to refund the amount deducted by respondents as damage rent with interest @ of 24% per annum. He states that the respondents' action in rejecting his application for the regularization and re-allotment of this

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quarter at normal rent is illegal and is in violation of relevant rules and regulations as well as rights guaranteed to the applicant. He also states that the respondents have deducted amount of damages from the salary of the applicant in an illegal and unreasonable manner. The applicant was posted as Deputy Chief Electrical Engineer at Kota. When he was transferred out of Kota (on 05.11.2018) he was allowed to retain the quarters (No. 1139 Type V), first till 05.01.2019 and, later, on double rent, up to 30.04.2019, on his request. Now, an order has been issued by Senior Divisional Personal Officer, West Central Railways to deduct damage rent @ of Rs.28822/- per month w.e.f. 01.05.2019. The applicant states that in the meanwhile he was transferred to Ajmer and later "managed to get posting at Kota on personal request" and joined at Kota on 01.11.2020. He has requested to allow the applicant to continue in the same quarters but the same request is not being allowed despite more than one Type V quarters being vacant and still lying vacant.

2. The respondents have denied the claims of the applicant. It is stated that the permission to retain the said quarters was given as per Railway Boards RBE No.100/2001 (Annexure R/1). Since the applicant did not vacate the quarters after completion of the permitted extended period

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several notices were issued to him to vacate the quarters. The applicant has been in unauthorised occupation of the House since 01.05.2019 and the same cannot be regularized. The collection of rent at damage rent rates is as per rules. The respondents have also given a reasoned reply to the legal notice issued by the applicant on 01.12.2020 and it is enclosed as Annexure R/2. There are other officers who are already in queue for allotment of these quarters and the Railways have not regularised the said quarters as per the policy of the respondent Railways.

3. No rejoinder has been filed.

4. We have gone through the pleadings and heard the learned counsels of both the parties. The applicant has not quoted a single law/rule/regulation/policy guidelines /practice/legal pronouncement or any condition of his service, which entitles him to keep a house allotted to him and damage rent not charged under the conditions stated by him in this OA. The respondents have stated the rules under which they have extended the allotment and charged double or damage rent. No rejoinder has been filed by the applicant denying their assertion. Even if the applicant expects the same quarters to be allotted on his return to the same place of posting, he cannot claim this, by way of a legally

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enforceable right. We inquired the learned counsel for the respondents whether it was possible for the railways to allot the same quarters since he has been posted back to Kota. We were told that it was not possible since there was a change in his line of posting and there were separate quotas of houses belonging to different categories of posts of officers. Be that as it may, as mentioned earlier, in the absence of any rule entitling the applicant to claim the reliefs sought by him, as a matter of right, we are unable to grant any of these. The OA is, therefore, dismissed. No costs.

(Hina P. Shah)
Member (J)

(Dinesh Sharma)
Member (A)

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