

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No.500 of 1992.

Allahabad this the 19th day of October, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

A.J. Singh, S/o Late Shri A.W. Singh, aged about 44 years, R/o Railway Quarter No.D-21, Agra Cantt., Working as Guard (Grade 'A'), e Central Railway, Jhansi Division, Jhansi(U.P.)

Applicant

By Advocate Shri H.P. Pandey

Versus

1. Union of India through the General Manager, Central Railway, G.M.'s Office, Bombay V.T.
2. The Divisional Railway Manager, Central Railway, D.R.M.'s Office, Jhansi (U.P.)
3. The Senior Divisional Operating Superintendent, Central Railway, D.R.M.'s Office, Jhansi(U.P.)

Respondents

By Advocate Shri Prashant Mathur

O R D E R ( Oral )

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri A.J. Singh has preferred this O.A. with the prayer to direct the respondents to consider him for transfer to Agra and also to refund the excess rent recovered from December, 1990. There is also request for direction to the respondents to permit him to retain quarter at Agra till his case for transfer to Agra was ~~con-~~  
*decided.*  
~~sidered.~~

*See*

2. As per case of the applicant while in the service of the respondents as Mail Guard he was transferred from Agra to Gwalior, for which he got his name registered for being transferred back to Agra and sought permission to retain the ~~re~~ railway quarter, which was allotted to him during his posting at Agra. The respondents did not consider his request favourably and passed order for recovery of rent in excess to normal rent.

3. The respondents have contested the case and filed the counter.reply with the mention that the applicant retained the quarter at Agra unauthorisedly even beyond the permissible period as allowed on transfer and, therefore, he was subjected to recovery of panel/damage rent. It has also been mentioned that the competent authority empowered to permit the ~~re~~ retention of railway quarter, ~~but the applicant~~ was never approached, therefore, no permission was given to him to retain the railway quarter at Agra. Regarding the cases referred by the applicant to whom permission was granted to retain the quarter at their place of previous posting, it has been mentioned that their individual cases were decided in the light of their representation to proper authority.

4. Heard, Shri H.P. Pandey, learned

Seen

counsel for the applicant and Shri Prashant Mathur, learned counsel for the respondents. Perused the record.

5. In this matter, it is not in dispute that the applicant was allotted a railway quarter during his posting at Agra. It is also not in dispute that the applicant was transferred to Gwalior in the year 1989. The fact that the applicant moved for his transfer back to Agra and also that he was transferred from Gwalior to Mathura and also the fact that the applicant retained the railway quarter at Agra continuously is also not in dispute. The only grievance of the applicant is that the authorities in the respondents establishment permitted the other similarly situated employees to retain their quarter at their previous place of posting, but the applicant has been discriminated by not permitting him likewise.

6. It has been brought on record through pleading from the side of the respondents that the applicant never approached the proper competent authority for permission to retain the quarter at Agra and, therefore, no permission could be accorded to him as it has been done in other cases, who ~~may proper~~ approached *the proper authority*.

*Seen*

7. It is quite evident from the facts and circumstances of the matter that the applicant did not vacate the quarter allotted to him at Agra even after his transfer and retained beyond the permissible period, for which he was liable to pay panel/damage rent as per rules in this regard.

8. At this stage, learned counsel for the applicant mentions that though development after institution of this O.A. could not be pleaded, the present position is that in the year 1994, the applicant has been transferred from Mathura to Agra where he joined and he has been allotted the same quarter, which was in his occupation and therefore, the respondents may be directed to regularise his occupation.

9. I am afraid, no such direction is possible, only an observation can be made that incase the applicant makes a request through representation to the respondents, the competent authority may consider and decide the same expeditiously in the light of facts and circumstances of the matter and rules in this regard.

10. ~~Th~~With the above observation, the O.A. is dismissed. No order as to costs.

  
Member (J)

/M.M./