

(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO. 1407 OF 1993

Allahabad, this the 4th day of May, 1999.

CORAM : Hon'ble Mr. S.K. Agrawal, Member(J)

Pawan Kumar,
Sr.DOM(TRT)-Retired,
Northern Railway, Allahabad
219-D/1-L, Preetamnagar,
Allahabad. Applicant

(C/A. Sri K. S. Saxena, Advocate)

Versus

1. The Union of India
through General Manager,
Northern Railway,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Bikaner.
3. The Divisional Railway Manager,
Northern Railway, Allahabad.
4. The Secretary,
(Railway Board), Ministry of Railway,
New Delhi.

..... Respondents.

(C/R Shri A.K. Shukla, Advocate)

O R D E R

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

In this original application applicant makes a
prayer to direct the respondents to refund Rs.8367/-
with interest @ 16% per annum recovered from the applicant
as wrong payment of House Rent Allowance.

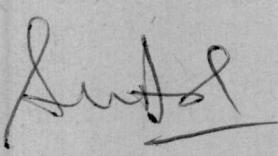
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2. In brief the case of the applicant is that he was permitted to share the accommodation vide order dated 11-5-92 issued by Divisional Superintendent Engineer, Northern Railway, Bikaner and he was also allowed House Rent Allowance during the period, but later on it was noticed to be a wrong payment, so amount so paid to the applicant was recovered from the applicant. It is stated by the applicant that in case of share of accommodation House Rent Allowance was permissible and recovery of House Rent Allowance from D.C.R.G. is illegal and therefore not permissible. In this way the applicant made a prayer to refund the recovered amount of Rs.8367/- from the respondents.

3. In the counter it is admitted that applicant was permitted to share the accommodation. It is also admitted that Rs.8367/- have been withheld from DCRG amount payable to the applicant provisionally which includes amount of House Rent Allowance Rs.7077/- and electricity and water charges Rs.1290/-, but it is stated that House Rent Allowance was not permissible to the applicant as per rules, therefore it was recovered from the applicant.

4. Rejoinder was filed. In the rejoinder it is made clear that amount of electricity and water charges Rs.1290/- have already been recovered from the salary bill of Sri Faizan Ahmed, the then Accounts Officer of Northern Railway, Bikaner to which there is no rebuttal.

5. Heard the learned lawyer for the parties and also perused the whole record. According to provisions given

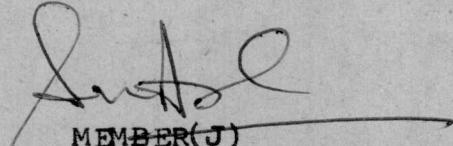


in Railway Services (Pension) Rules, 1993 adjustment and recovery of dues pertaining to Government or Railway accommodation is permissible. In the counter it has been made very clear that the amount of House Rent Allowance paid to the applicant has been withheld provisionally. No order/circular issued by the Railways in this connection has been shown to support the contention of the learned lawyer for the applicant. In case of sharing of accommodation by wife with husband and son/daughter with parents wife or son as the case may be are not entitle to House Rent Allowance, therefore withholding of House Rent Allowance wrongly paid to the applicant from DCRG does not appear to be contrary to rules or bad in law.

6. It is also evident that recovery of Rs.1290/- has also been made from DCRG payable to the applicant. The applicant has stated that this amount of Rs.1290/- has already been recovered from the original allottee Sri Faizan Ahmed to which there is no rebuttal. No notice was given to the applicant before this recovery, therefore recovery of Rs.1290/- from DCRG of the applicant does not appear to be proper and in accordance with the rules and the applicant is entitle to get the refund of this amount with interest.

7. I, therefore, allow this original application in part and direct the respondents to refund Rs.1290/- with interest @ 12% per annum from the date of recovery till the date of payment. The directions shall be complied with within three months from the date of receipt of the copy of this order.

No order as to costs.



MEMBER(J)

/satya/