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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1603 of 1994

Allahabad this the 19th day of December, 2000

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

Krishana Prasad, Son of Sri Lal Ram, resident of Quarter No.12 D, Chhapara Kachahari, Railway Colony, Saran, working as Commercial Supervisor, at Chhapara Kachahari.

Applicant

By Advocate Shri B. Tiwari

Versus

1. Divisional Railway Manager Operating, N.E. Railway, Varanasi.
2. Union of India through General Manager, N.E. Railway, Gorakhpur.

Respondents

By Advocate Shri G.P. Agrawal

O R D E R (Oral)

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

The applicant-Krishana Prasad has come up seeking relief against imposition of penal rent and ^{further} seeking relief to the effect that recovery proceeding from the salary of the applicant by way of penal rent be set aside and the respondents be directed to refund the amount which has already been deducted.

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2. As per applicant's case while he was posted at Chhapara, he was allotted quarter no. 12 D in the year 1983 at normal rent. In the year 1989 he was transferred from Chhapara to Siwan but, continued to retain the quarter at Chhapara under the authority of allotment order, which was never cancelled but, respondents started recovery proceeding deducted penal rent at the rate of Rs.420.70 from his salary. This act of the respondents has been assailed mainly on the ground that there could not be any recovery of penal rent unless and until the allotment was cancelled whereas in the applicant's case, the allotment was not cancelled. It has also been mentioned as ground^{for} the relief that before starting recovery proceeding, no notice was issued for taking this action.

3. The respondents have contested the case and filed counter-reply with the mention that after his transfer from Chhapara to Siwan, his allotment stood automatically in effective and Cancelled and his occupation thereafter was unauthorised for which he is liable to pay the penal rent as imposed upon him.

4. Heard the learned counsel for the parties and perused the record.

5. The main controversy in the matter is as to whether there should have been an order for cancellation of the quarter in question before imposing the penal rent or not and also as to

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whether before passing order for deduction of penal rent, the respondents should have afforded an opportunity to the applicant of being heard by issue of notice in this regard. Shri G.P.Agrawal, learned counsel for the respondents has replied both these questions by citing the ^{va/2b ch} Full Bench decision in Ran Poojan Patel Vs. U.O.I. & Ors (1996) A.T.C. 34 page 434, wherein it has been held that after transfer, there is no need to pass an order cancelling the allotment and also that no notice is needed before imposing penal/damage rent.

6. For the above, I find there is no force in the contention from the side of the applicant. The O.A. is dismissed being devoid of merits. No order as to costs.

S. K. Singh

Member (J)

/M.M./