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CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Original Application No.04 of 1994

Allahabad this the 19th day of October, 1994

• Hon'ble Mr. S.Das Gupta, Member (A)

Brij Pal Singh aged about 45 years S/o Shri Nanhey Singh, working as Chief TXR/KJGY Khanalampura Yard, N.Railway, Saharanpur

Applicant

By Advocate Shri Rakesh Verma

Versus

1. Union of India through the General Manager, N.Rly., Baroda House, New Delhi.
2. The Sr. Divisional Mechanical Engineer, N.Rly., Ambala Cantt., Ambala.
3. The Divisional Personnel Officer, N.Rly. Ambala Cantt., Ambala.
4. The Carriage & Wagon Supdt., N.Rly., Khanalampura Yard, Saharanpur.

Respondents

By Advocate Shri Prashant Mathur

O R D E R (oral)

This petition has been filed under Section 19 of the Administrative Tribunals Act, 1985 challenging the order dated 22.7.1992 (Annexure A-I) passed by the respondent no.4. By the communication dated 22.7.92, it has been ordered that damage charges of Rs.359/- are to be recovered per month from the applicant's salary bills.

2. The brief facts of the case giving rise to this application are that the applicant who is the Railway employee was allotted Railway Bungalow No.94-T, non-pooled accommodation at Railway Colony, Saharanpur passed by the respondent no.4 by the order dated 03.10.1990 (Annexure A-II). The applicant took over the possession of the quarter allotted to him on 05.10.1990. The applicant contends that the out house having a separate no.

93-F was allotted to one Shri Richh Pal Singh by the separate order dated 15.11.1990 (Annexure A-3) and this was never allotted to him at any point of time; therefore, the question of subletting the same does not arise. The respondents in presumption of unauthorised occupation of the said quarter no.93-F by the applicant, decided to charge damage rent at the rate of Rs.359/- per month from the salary of the applicant by the impugned order. He has, therefore, prayed that said order be quashed.

3. The facts of the case are not in dispute. In the counter-affidavit filed by the respondents, it has been stated that at the time of surprise checking, the quarter no.93-F was found locked and it was presumed that the applicant was subletting the same and on this presumption the order was issued by the competent authority for recovering damage charges from the applicant.

4. I have heard the learned counsel for the parties and perused the record.

5. It is clear from the above and also from the copy of letter dated 20.10.1992 (Annexure A-VI) that the order issued by the respondents to recover the damage rent from the applicant was due to a mistake on the part of respondents and the same cannot be enforced against the applicant.

6. In view of the above, the application is allowed, and the impugned order dated 22.7.1992 is quashed.

The recovery already made from the applicant shall be refunded to him within a period of two months from the

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date of communication of this order. With these orders,  
the application is disposed of. There will be no order  
as to costs.



Member (A)

/M.M./