

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NUMBER 850 OF 1994

FRIDAY, THIS THE 28th DAY OF FEBRUARY, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

Arun Kumar Singh,
Keshaw Prasad Singh,
resident of House No.67A,
Railway Colony,
Balia.

.....Applicant

(By Advocate : Shri B. Tiwari)

V E R S U S

1. Divisional Railway Manager Commercial
North East Railway,
Varanasi.

2. Union of India
through the General Manager,
North East Railway,
Gorakhpur.

.....Respondents

(By Advocate : Shri Prashant Mathur)

O R D E R

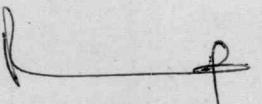
By this application filed under section 19 of
Administrative Tribunals Act, 1985, applicant has challenged
the recovery of the amount of damage rent from salary of the
applicant.

2. The facts of the case are that applicant was serving
in Railway as TTE. He was allotted quarter No.67A, Railway
Colony, Balia in January, 1983. On 12.12.1989 applicant was
transferred from Balia to Gorakhpur and on the date this
O.A. was filed, he was serving at Gorakhpur. The applicant

did not vacate the Railway quarter allotted to him at Balia, hence a penal rent amounting to Rs.844/- per month is being ^{being} ~~realised~~ as arrear of rent ^{is being} ~~realised~~ from salary of the applicant.

3. Counsel for the applicant has submitted that before passing this Order of recovery, any opportunity was ^{not} given to applicant to place his case. The recovery was started from the month of April, 1994. It is not disputed that transfer of the applicant took place on 12.12.1989 and he joined at Gorakhpur. In the circumstances, there was no justification for retaining the quarter at Balia. This O.A. has filed after 5 years of the order of the transfer on 26.05.1994. Full bench of this Tribunal in the case of Ram Poojan Vs. Union of India and another (1996)34 ATC 434(FB) has held that ^{up to} ~~the~~ transfer ^{of} ~~of~~ Railway employee is retaining ^{possession} ~~of~~ of the quarter ^{shall} ~~shall~~ be deemed to be unauthorised and no specific order cancelling allotment is necessary. The penal rent can be recovered from salary without resorting to proceedings under Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

4. In the circumstances, I do not find any illegality in recovering ^{of} the amount of penal rent. The Full Bench is squarely applicable to the facts of the case. The O.A. has no merit and rejected. No order as to costs.


VICE-CHAIRMAN