

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No 1171 of 1995

Allahabad this the 08th day of May, 2001

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

B.D. Ram Son of Sri Kalu Ram, aged about 59 years,
retired as C.S.I. Barauni, N.E. Railway, Sonpur(Bihar)
Resident of 1/42 M.I.G., U.P.Awas Vikas Colony No.3,
Jhunsi, Allahabad.

Applicant

By Advocate Shri B. Tiwari

Versus

1. Divisional Railway Manager(Signal), N.E. Rail-
way, Sonpur(Bihar)-
2. Union of India through General Manager, N.E.
Rly., Gorakhpur.

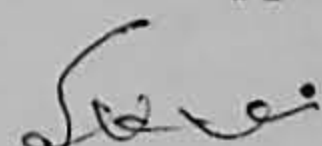
Respondents

By Advocate Shri V.K. Goel

O_R_D_E_R (Oral)

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

While posted as Chief Signal Inspector
(C.S.I.)Khagria, the applicant was allotted quarter
no.S.E./14. It was on 04.11.1993, he was transferred
from Khagria to Varanasi and thereafter on 07.2.1994
he was transferred from Varanasi to Barauni, but he
continued to retain the quarter allotted to him at
Khagria, which he vacated only on 01.10.1994. The
applicant has a case that he applied for permission

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to retain the quarter in question on the ground of education of his children, but order passed thereon has not been communicated to him. It is evident from annexure R-1 that he was permitted to retain the same upto 14.4.1994. When applicant retired on 31.12.1994 and his retiral benefits were processed and provided, there was deduction of Rs10,823/- , which was withheld from his gratuity on account of penal rent, for which the applicant made representations, but of no avail, therefore, he has come up seeking relief to the effect that the respondents be directed to refund this amount.

2. The respondents have contested the case, filed counter-reply with the specific mention that the applicant was subjected to penal rent for unauthorised occupation of quarter allotted to him at Khagria.

3. Heard counsel for the parties and perused the record.

4. During the course of arguments, Shri Basisht Tiwari, learned counsel for the applicant emphasised that vide annexure R.A.-II the audit objection regarding recovery of penal rent was waived and the same was approved by D.R.M.(Signal) vide annexure R.A.-III and, therefore, the applicant is entitled for the amount claimed.

5. Keeping in view the facts and circumstances of the matter, it is found that the applicant retained the quarter in question even after his transfer from Khagria and as per annexure R.A.-I i.e. audit objection, the applicant was permitted to retain the quarter at normal rent upto 14.4.1994 and thereafter he was liable to pay the damage rent. This audit objection was dealt by Divisional Accounts Officer, Sonpur and vide his comments on audit report dated 16.1.1995(R.A.-II), the objection regarding the realisation of the damage rent from the applicant was to be taken as waived and as per annexure R.A.-III, the D.R.M.(Signal) ~~was~~wrote back to Divisional Accounts Officer to process with audit objection. After this development vide R.A.III dated 14.7.1995 there is no mention from either side as to what further happened in the matter and what final decision was taken, but it is something certain that a sum of Rs.10,823/- has been withheld as penal rent from the gratuity of the applicant. It appears that after the deduction of the amount from gratuity of the applicant, no further action was taken in the matter inspite of favourable noting as per R.A.-II and R.A.-III. Therefore, it is found expedient that the applicant be given an opportunity to pursue the matter by making a fresh representation.

6. For the above, the O.A. is decided with the observation that in case the applicant makes a

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fresh representation within four weeks, same be decided by the respondents within 4 months thereafter and the decision taken thereon be communicated to the applicant. No cost.

See margin
Member (J)

/M.M./