

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

Original application No. 296 of 1999

Allahabad this the 26th day of November 1999

Hon'ble Mr. L. Hmingliana, Member (A)

A.R. Tripathi, son of Shri S.R. Tripathi,
R/o 237/A, Railway Colony, Kanpur Central,
Kanpur.

Applicant

By Advocate Shri Arvind Kumar

Versus

1. Union of India through the General Manager,
Northern Railway Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,
Allahabad.
3. Station Superintendent, Kanpur Central,
Northern Railway, Kanpur.

Respondents

Advocate Shri Prashant Mathur

O H D E R

By Hon'ble Mr. L. Hmingliana, Member (A)

The O.A. filed by ^aretired Head

Ticket Collector of the Northern Railway, is against
the letter of notice issued to him by the station
Superintendent, Northern Railway, Kanpur Central.

In the notice, it is mentioned that his occupation
of the railway quarter no. 237/A B Type II is unauthori-
sed since 05.8.92 which was after his transfer
to Bikaner.

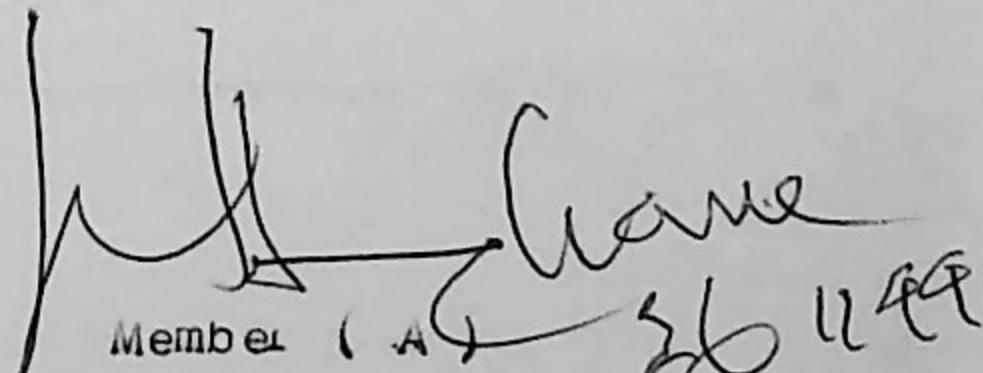
2. The applicant has since retired from railway service ~~on~~^{from} 31.7.97(a.n.) but he is still continuing in the quarter even after his retirement because of the interim relief granted to him by the Tribunal. Shri Arvind Kumar, learned counsel for the applicant stated that the applicant is still continuing in the quarter because of non-payment of his retirement benefit which he challenged by filing two W.A.S. in the Tribunal, which have not been disposed of because of non-cooperation of the respondents, who did not file their counter-affidavits. In the interlocutory order dated 15.11.1999 passed by the Division Bench and in the subsequent interlocutory order dated 22.11.1999 passed by me sitting as a single Member, it has been made sufficiently clear that the entitlement of a government servant to retention of his government quarter after his retirement is governed by the rules which are separate and entirely unconnected with the service rules governing his entitlement to pension and that the applicant is no longer entitled to continue in the quarter for the mere reason that his retiral benefits have not been paid to him. This was also fairly conceded by the learned counsel for the applicant at the time of final hearing on 25.11.1999. He, however, points out that the challenge is to the notice for his eviction from the quarter following his transfer to Bikaner and the Tribunal can grant him relief on equity basis.

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3. Proxy counsel-Sri K.N. Katiyar appearing for the respondents, was also heard.

4. It has been made sufficiently clear that after his retirement from service, he is no longer entitled to retention of his quarter, except as per rules, which are different from the rules applicable to his entitlement of pension. However, the challenge in this U.A. is to the eviction notice dated 09.3.99, on the ground that he was ^{an} unauthorised occupant since 06.8.92. He has ~~not~~ continued to stay in the quarter after the order of transfer to Bikaner for 5 years even before his retirement. There is no need of passing any order quashing the notice. However, incase order is passed by the respondents demanding penal rent or damage charges, he will be entitled to challenge that, as usual, within ^{the limitation} ~~a limited~~ period of one year. Needless to say his challenge will have to be confined to the violation of rules.

5. with the above observations, the U.A. is dismissed. No order as to costs.


H.L. Patel
Member (A)

/M.M./