

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 2nd day of January 2001.

Original Application no. 788 of 1999.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member.

Bhika Ram,
S/o Pancha Ram,
R/o Railway Colony,
MATHURA (U.P.).

... Applicant

C/A Shri B.L. Kulendra

Versus

1. Union of India through General Manager,
Central Railway, Mumbai C.S.T., (Maharastra).
2. Divisional Personnel Officer, Central Railway,
Jhansi (UP).
3. Sr. Electric Foreman (M) Central Railway,
Gwalior (MP).

... Respondents

C/Rs Shri K.P. Singh

Sher ...2/-

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O R D E R(Oral)

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

Shri Bhika Ram, the applicant while posted as Helper Khalasi at Gwalior, he was selected for training vide order dated 4.9.96, copy of which has been annexed as annexure A-2. On completion of his training he was posted as Pump Fitter Grade III (Rs. 950-1500 RPS) at Baad, where he joined in compliance of this order dated 03.07.1997. Subsequently he was subjected to recovery of damage rent for having unauthorisedly occupied quarter at Gwalior and also not paid Transfer Allowance and Packing Allowance, for which he has come up before the Tribunal for direction to the respondents.

2. The respondents have contested the case and filed CA with specific mention that after his regular posting as Pump Fitter Grade III he was paid Transfer Grant of Rs. 900/-, since he did not vacate the Railway Quarter at Gwalior even after his posting from Gwalior to Baad he is liable to pay damage rent for a period of one year and six months amounting to Rs. 16371/- calculated @ Rs. 800/- p.m. w.e.f. September 1998.

3. Heard Shri B.L. Kulendra learned counsel for the applicant and Shri K.P. Singh learned counsel for the respondents and perused the record.

See

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4. As the facts have come out from the pleadings the applicant was deployed on departmental training while he was posted helper Khalasi at Gwalior and after having successfully completed this six months training, the applicant was transferred and posted as Pump Fitter, Baad vide annexure A-1 and, therefore, during the training period he remained in the cadre strength of Gwalior which is quite clear from order itself (Annexure A-3) where his designation has been mentioned as Helper Khalasi (M) Gwalior and, therefore, till the date of order dated 03.07.97 he cannot be said to be unauthorised occupant of railway quarter at Gwalior, but thereafter, and till 18.02.98 when he remained in occupation of that quarter without any valid permission he is liable to pay damage rent for unauthorised possession over that quarter.

5. So far as the claim regarding the transfer allowance is concerned his entitlement has been acknowledgment in his transfer order from Gwalior to Baad (Annexure A-3) for which he can put his claim before the competent authority. The applicant has also claimed for daily allowance for the period ~~for~~^{for} the period during which he remained on training, but I find he is not entitled for the same because it amounts to temporary transfer for which daily allowance is not admissible.

Sub -

...4/-

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6. For the above the OA is decided with the findings that the applicant is liable to pay damage rent for a period between 03.07.97 to 18.02.1998 only, if any amount has been recovered in excess be refunded, and also ^{Net} he can move for traviling allowance as per rules to which he is entitled as acknowledged in annexure A-3, if not paid so far.

7. No order as to costs.

S. C. Ganguly

Member-J

/pc/