

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL\* ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NO. 1054/99

THURSDAY, THIS THE 27TH DAY OF FEBRUARY, 2003

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

Dharam Pal  
s/o Shri Sarju Ram,  
a/a 45 years,  
r/o Shankerpuri,  
Ghaziabad.                      ...                      ...Applicant.

(By Advocate: Shri S.S.Sharma)

Versus

1. The Union of India owning and representing Northern Railway notice to be served to-  
The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
  2. The Divisional Railway Manager,  
Northern Railway,  
D.R.M. Office,  
New Delhi.
  3. The Senior Divisional Electrical Engineer/RSO,  
Northern Railway, D.R.M. Office,  
New Delhi.
  4. The Senior Section Engineer/Out-pit,  
Northern Railway,  
Ghaziabad.
  5. The Section Engineer/Loco-Shed,  
Northern Railway,  
Allahabad.
- ..... Respondents.

(By Advocate:- Shri P.Mathur)

ORDER

By this O.A under Section 19 of Administrative  
Tribunals Act, 1985, applicant has challenged the order  
dated 15-7-1999 (Annexure A-1) by which the direction has  
been given to <sup>realise</sup> ~~release~~ 2388.75/- from the applicant as  
damage rent for unauthorised occupation of quarter No.





632/C, Traffic Colony, Allahabad.

2. The facts of the case are that the applicant was serving at Allahabad as Crane Driver in Loco Shed, Allahabad. He was allotted Railway Quarter No. 632/C, Traffic Colony, Allahabad which he occupied on 11.9.1991. Applicant was transferred from Allahabad to Kanpur on 13.12.1993. He joined duty there on 14.12.1993. As the quarter was not vacated, the impugned order has been passed <sup>for realisation</sup> ~~releasing~~ the amount of damage rent. The case of the applicant is that he had applied for permission to retain the possession of the quarter for 8 months after his transfer on ground of sickness of his wife and on ground that ~~children~~ <sup>children</sup> were getting education at Allahabad. The prayer of the applicant was not accepted. It is claimed by applicant <sup>that</sup> ~~as~~ he had handed over possession on 23.1.1994, reliance has been placed on Annexure 5 which is a letter dated 11.2.1994 <sup>written</sup> by Loco Foreman, Northern Eastern Railway, Allahabad.

3. The aforesaid claim has been denied by respondents and affidavit of Shri R.K. Srivastava the then Loco Foreman has been filed alongwith <sup>the</sup> counter reply, wherein it has been stated that no such letter was ever signed by him and it is a forged document. It is also stated that the applicant is <sup>was</sup> still ~~unauthorised~~ occupation of the Railway Quarter. No rejoinder has been filed. The Loco Foreman is also impleaded as respondent No. 5 [who is now serving as Section Engineer].

4. In the circumstances, the realisation of the damage rent is justified and the order does not suffer from any error of law. The O.A has no merit and accordingly <sup>is</sup> ~~is~~ dismissed. No order as to costs.

  
Vice Chairman

Madhu/