

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 17th day of January, 2002.

Original Application No.1202 of 1999.

CORAM:-

Hon'ble Mr. C.S. Chadha, A.M.

Y.P. Rai, S/o Shri Hanuman Rai,
Working as Chief Goods Supervisor,
Northern Railway, Harduaganj, D
District-Aligarh.

(Sri SK Om, Advocate)

. Applicant

Versus

1. Union of India through
General Manager, M.Rly,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, Allahabad.
3. Chief Goods Supervisor,
Northern Railway,
Kanpur Central Goods Shed, Kanpur (C.P.C.).
4. Station Superintendent, Northern Railway,
Harduaganj, Distt-Aligarh.

(Sri Amit Sthalekar, Advocate)

. Respondents

ORDER (O_r_a_l)

By Hon'ble Mr. C.S. Chadha, A.M.

The case of the applicant is that he was employed as Chief Goods Supervisor at Kanpur when he was transferred on 12-7-1996 to Fatehpur and thereafter sometime in 1998 he was transferred from Fatehpur to Harduaganj but he continued to retain his allotted house in Kanpur on the ground that his children were studying and he could not get accommodation at the place of transfer. The applicant

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was permitted to stay for two months after his transfer at original licence fee and thereafter for six months at special licence fee. However, after the expiry of the six months period he did not vacate the house on the ground that his children were studying at Kanpur. The learned counsel for the respondents has pointed out that permission was granted to the applicant to retain the house till the end of his children's educational session, whereafter the stay of the applicant automatically became illegal. The counsel for the applicant pointed out that the rules of the Railway Board require that in case of unauthorised occupation the allotment should be cancelled and eviction proceedings started and damage rent recovered for the overstay only after such cancellation. He contends that this procedure was never followed in the instant case. On the contrary learned counsel for the respondents has quoted a ruling of the Full Bench of the Tribunal reported in 1996(34) A.T.C. 434 (Rampujan Vs. UOI & Ors) wherein it was held that no specific order for cancellation was necessary and penal rent could be recovered from the salary, without resorting to Eviction proceedings. Relying on the Full Bench judgement it is held that since the period of eight months was over, the applicant was under an obligation to vacate the house or suffer the consequences of penal rent.

2. Learned counsel for the applicant contends that the Ruling was of 1997, whereas the Railway Board had later on laid down that a cancellation order should be passed. The directions of the Railway Board do not overrule the decision of the full bench which laysdown the principle to be followed in such cases . It is evident that a Govt. servant who has got only eight months's permission to stay in a Government House must vacate after expiry of the period. Denial of any further permission amounts to cancellation. The O.A.

B. Chakraborty

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is, therefore, dismissed and the respondents may recover the full damage rent as they had already ordered. There shall be no order as to costs.

St. Charles

Member (A)

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