

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 3rd DAY OF MARCH, 2003

Original Application No. 1408 of 1999

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Prem Shankar Prasad, Son of  
Shri R.C.Prasad, R/o Plant Depot  
Colony, Mughalsarai, district  
Varanasi.

.. Applicant

(By Adv: Shri S.K.Dey)

Versus

1. Union of India through  
The General Manager,  
Eastern, Kolkatta.
2. The Chief Works Manager  
Plant Depot Mughalsarai,  
District Varanasi.
3. The Divisional Railway Manager,  
Eastern Railway, Mughalsarai  
District Varanasi.

.. Respondents

(By Adv: Shri G.P.Agrawal)

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has challenged the order dated 25.4.1998(Annexure 6) by which applicant was saddled with the responsibility of Rs 21,449/- as damage rent for retaining the railway quarter even after transfer.

The facts of the case are that applicant was serving as PWI at Mughalsarai. By order dated 26.6.1994 applicant was transferred to Gaya. He applied for retention of the quarter which was accepted and he was allowed to retain the possession upto 21.3.1995. The

applicant, however, continued to retain the possession till 17.2.1996 when he was again transferred from Gaya to Mughalsarai. It is not disputed that occupation of the applicant in the railway quarter type-III No.1425/A ED Colony has been regularised w.e.f. 17.2.1996. thus the unauthorised occupation <sup>was</sup> for the period from 21.3.1995 to 17.2.1996. For this period applicant has placed certain circumstances which were beyond his control and he could not vacate the railway quarter. For this purpose applicant filed the representation on 4.7.1998 i.e. after the impugned order was passed. However, it does not appear that representation of the applicant has been considered and decided by any authority.

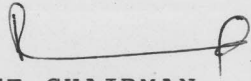
The learned counsel for the applicant has submitted that no opportunity of hearing was given to the applicant. He placed reliance <sup>on</sup> a judgment of 'Ernakulam bench of this Tribunal in 'P.K.Gangadharan Vs. Union of India and Ors 1997(35) ATC-107 and <sup>an</sup> ~~and~~ unreported judgment dated 10.11.1999 of this Tribunal in OA No.645/97.

Considering the aforesaid facts and circumstances, in my opinion ends of justice shall be better served if the respondents are directed to consider and decide the representation of the applicant by a reasoned order and consider his <sup>circumstances</sup> ~~situation~~ in which he could not vacate the accommodation.

For the reasons stated above this OA is disposed of finally with the direction to respondent no.2, Chief Works Manager, Plant Depot, Mughalsarai to consider and decide the representation of the applicant (Annexure 7) by a reasoned and detailed order within a period of three months. It is further provided that if the amount of damage rent fixed by the impugned order has not been realised till date, for a period of three months or till the representation is decided, it shall be not be

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~~date, for a period of three months or till~~ the  
representation is decided, it shall not be realised.  
there will be no order as to costs.

  
VICE CHAIRMAN

Dated: 3rd March, 2003

Uv/