

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Misc. Application No. 3199 of 2000

In

Diary No. 2840 of 2000

ORIGINAL APPLICATION NO. 1521 OF 2000
Allahabad this the 25 day of Feb 2003

Hon'ble Mr.A.K. Bhatnagar, Member (J)

Shri Radhey Shyam Saxena, s/o late Sri Jagdish Sahai Saxena, resident of Town Hall Road, Shahjahanpur, presently residing at Fatehganj West, (Near U.P. Govt. Hospital) at Fatehganj West, Bareilly.

Applicant

BY Inperson

Versus

1. Union of India through the Secretary, Ministry of Railways (Rail Bhawan), New Delhi.
2. The General Manager, North Eastern Railway, Gorakhpur.
3. The Financial Advisor and the Chief Accounts Officer, N.E. Railways, Gorakhpur.
4. Railway Board, through the Secretary, Rail Bhawan New Delhi.

Respondents

By Advocate Shri K.P. Singh

O R D E R

This application has been filed for direction to the opposite parties to charge from the applicant only the double amount of the rent for the quarter at Izzatnagar for the period from 01.09.92 to 30.06.93 and refund to the applicant the excess amount charged from the applicant in this regard with interest. It is further prayed to direct the opposite parties to pay to the

applicant the house rent allowance amounting to Rs.7200/- with interest.

2. The brief facts of the case are that while the applicant was working as Senior Section Officer (Accounts) in Workshop Accounts Office at Izzat Nagar, he was transferred to Gorakhpur and posted as Assistant Accounts Officer(Workshop) vide Office Order No.17(GAZ) dated 29.09.1992. The applicant in compliance of the order, joined on 14.05.1992 at Gorakhpur but, he had kept his family at Izzat Nagar on account of education of his sons and also on account of eye trouble of his wife. The applicant retained the railway quarter allotted to him at Izzat Nagar as he could not find any suitable alternative accommodation . The grievance of the applicant is that the respondents have wrongly deducted the amount of rent from his dues. Hence, he prayed for reliefs as mentioned above.

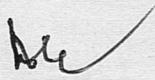
3. The respondents have filed the counter affidavit, in which they have stated that the case is time barred. It is stated that the request of the applicant for retention of quarter was considered sympathetically and he was allowed to retain the railway quarter from 14.05.92 to 13.07.92 on normal rent and from 14.07.92 to 31.08.92 on double rent in terms of Railway Board letter no.E(G)QR 1/9 dated 15.01.90 keeping in view the academic session of his sons. The respondents have further contended that request of the applicant for further retaining the quarter was not considered by the competent authority as his wife was under treatment of A.I.I.M.S., New Delhi and not at Bareilly. The respondents have also

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denied the allegation that the representations of the applicant were not decided. Justifying the action taken by them, they have prayed for dismissal of the application filed by the applicant.

4. I have heard Shri R.S. Saxena-applicant in person and Shri K.P. Singh, learned counsel for the respondents, and perused the pleadings.

5. After perusal of the pleadings, I find that all the actions taken by the respondents are in conformity with the various rules and instructions issued in this regard. The respondents have considered the request of the applicant for retention of quarter. The applicant has failed to show any good ground to direct the respondents to further accede his request for retention of quarter on normal rent. In my opinion, the applicant is not entitled for any relief as his case is devoid of merit. The case of Ram Poojan Vs. Union of India and Others (1996(34 A.T.C.434(FB) also helps me in taking this view. The application is, therefore, dismissed. No order as to costs.


Member (J)

/M.M./