

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.449 OF 2002  
ALLAHABAD THIS THE 12TH DAY OF MAY,2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

Parmeshwar Prasad,  
S/o Rajgir,  
R/o Chaturbhujpur,  
B/o Mughalsarai,  
District-Chandauli .....Applicant

(By Advocate Shri S.K. Dey/Shri S.K. Mishra)

Versus

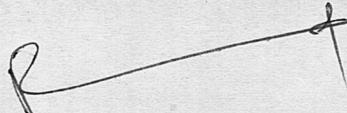
1. Union of India,  
through the General Manager,  
E. Railway,  
Calcutta-1.
2. The Divisional Railway Manager,  
E-Rly, Mughalsarai,  
Chandauli.
3. The Station Manager,  
E. Rly, Mughalsarai. .....Respondents

(By Advocate Shri K.P. Singh)

ORDER

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, applicant has prayed to quash the order of recovery of damage rent, if any, passed and then be directed to pay D.C.R.G.

2. The facts of the case are that the applicant retired



from Railway Service as Goods Guard on 30.11.2000. The applicant was given permission to retain the possession of quarter from 01.12.2000 to 31.01.2001 on payment of normal rent. Therefore, another order was passed on 07.02.2001 permitting the applicant to retain the quarter till 31.07.2001 on payment of special licence fee.

3. It is the claim of the applicant that he vacated the possession of the quarter on 01.08.2001 and the damage rent has been illegally recovered from him. The learned counsel for the applicant has submitted that respondents have given double punishment to the applicant by withholding the passes and also by recovery of penal rent. It is further submitted that fault was on the part of the respondents that they did not accept the possession of the ~~respondents~~ <sup>quarter</sup> nor they named any allottee to whom the possession was /be handed over.

4. Resisting the claim of the applicant respondents have filed counter reply. In paragraph 5 (c) of the CA it has been stated that the Railway Quarter was vacated by the applicant on 06.01.2002. Thus, the over stay of the applicant in the quarter was five months and he was liable to pay Rs5050/- as damage rent. The learned counsel for the respondents has further submitted that under the rules framed by the Ministry of Railways, the applicant has rightly/deprived the facility of passes. Paragraph 7.3 of the relevant rules provides as under:-

"One set of post-retirement pass should be dis-allowed for every month of unauthorised retention of Railway Quarter by retired employee. The concerned retired officer/staff may be allowed the privilege of post-retirement passes after the period during which the forfeited passes would have been admissible, is over."



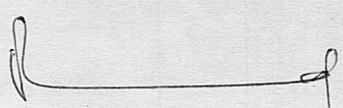
5. Thus, under the rules applicant was liable to be deprived of one set of pass for every month of over stay. It is <sup>not</sup> correct to say that it was a <sup>Case of</sup> double punishment. Applicant was liable to pay damage rent ~~as~~ for enjoying the Railway quarter whereas the privilege <sup>of</sup> passes ~~was~~ refused for unauthorised retention. It cannot be said that it is a kind of punishment.

6. Learned counsel for the applicant relied on the two letters ~~replied by him~~ which ~~have~~ been filed as annexure RA-1 and 2. From perusal of the letter it is seen that the possession was retained by the applicant upto 06.01.2002. Thus, the amount has rightly been recovered and the applicant is not entitled for the same.

7. It is however, made clear that the applicant shall be restored the privilege <sup>of</sup> passes immediately on expiry of the period during which applicant could get five set of passes.

8. The D.A. has no merit and is accordingly dismissed.

9. There will be no order as to costs.

  
Vice-Chairman

/Neelam/