

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 26th day of February, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MR. D. R. TIWARI, A.M.

O.A. No. 796 of 2003

R.N. Sharma S/O Shanker R/O Loco Colony, 129-J, Mughalsarai,
District Chandauli.....

.....Applicant.

Counsel for applicant : Sri S.K. Mishra.

Versus

1. Union of India through the General Manager, E.C. Rly.,
Hajipur, Bihar .

2. The Senior D.P.O., E.C. Rly., Mughal Sarai, District
Chandauli.....

.....Respondents.

Counsel for respondents : Sri K.P. Singh.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

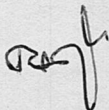
Heard Sri S.K. Mishra, learned counsel for the
applicant, Sri K.P. Singh, learned counsel for respondents
and perused the pleadings.

2. The applicant was allotted Qr.No.584-B, while he
was posted at Gaya Railway Station. By order dated 28.9.92,
the applicant was transferred from Gaya to Mughalsarai and
gave a vacation report about the quarter vide application
dated 9.10.1993, which was received at the respondent's
office on the same day. It appears that the applicant was
served with an order dated 17.8.99 holding him to be in
unauthorised occupation of the quarter in question and
directing recovery of damage rent from him. The applicant
filed O.A. No.62/2000 challenging the orders impugned
therein. The respondents had, in fact, passed the orders
impugned in this O.A. by holding the applicant responsible
for damage rent. The Tribunal set aside the order dated
28.12.99, which was ^{the} subject matter of impugned ^{order} ~~order~~ in
the said O.A. and ^{gave} ~~given~~ liberty to the respondents to

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recover the damage rent from the applicant for the period from 28.9.92 to 9.10.93 'as per rules'. In compliance with the said order dated 10.12.2001, the respondents calculated the amount of Rs.9759/- @ Rs.787.60 per month according to plinth area and by letter dated 9/29.12.2002 required the applicant to deposit the said amount in the Railway Booking office in cash and to submit the receipt within 15 days from the date of receipt of the letter. The said order was again challenged by the applicant by means of O.A. No. 72/2003 which came to be disposed of by order dated 29.1.03 by giving direction to respondents to apply their mind to the facts as stated by the applicant and also to verify the position from their Accounts Section with regard to the certificate alleged to have been impugned by them and to pass final and speaking order within a period of three months from the date of receipt of a copy of the order. The respondents were also directed not to make recovery from the applicant's salary till the passing of the order. Thereafter impugned order dated 2.7.2003 (Annexure A-9) came to be passed according to which the liability of the applicant has been assessed at total of Rs.12927/- from 28.9.92 to 9.10.93. It appears that previously the damage rent was assessed @ Rs.23/- per Sq.Mtr which was the old rate and accordingly the damage rent, according to impugned order, has been assessed @ Rs.30/- per Sq.Mtr. from 28.9.92 to 30.6.93 and @ Rs.36/- per Sq.Mtr. from 1.7.93 to 9.10.93. The relevant Government orders ²for which ²the rate ²supported ²are ²noted in the impugned order ~~which were prescribed and~~ dated 2.7.03. The amount of Rs.884/- already deducted from the applicant's salary has been adjusted and the applicant was required by the order impugned herein to deposit Rs.12043/- only in the Railway Booking Office. T-here is no informity in the order dated 9/29.12.2002.

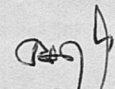
3. Sri S.K. Mishra, at this stage, submits that a



sum of Rs.1236/- was paid by the applicant by way of normal rent in addition to Rs.884/- deducted from the salary. He has placed reliance at Receipt (Annexure A-6). It is made clear that in case the amount shown in the Annexure A-6 has been realised from the applicant and yet it has not been adjusted towards damage rent, referred to in the impugned order, ^{on a 2} ~~the~~ representation ^{on} ~~made~~ by the applicant may be refunded or adjusted towards the balance amount ² ~~tought~~ to be recovered by means of the impugned order.

The O.A. is disposed of accordingly with no order as to costs.


A.M.


V.C.

Asthana/