

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/439/2015

Cuttack this the 24th day of March, 2017

CORAM:

HON'BLE SHRI R.C.MISRA, MEMBER(A)

Pramod Kumar Mohanty, aged about 62 years, S/o. of late Nityananda Mohanty, retired JE(Drg.), O/o. Deputy Chief Engineer/Con.II/E.Co.Rly.Rail Vihar/Chandrasekharpur/Bhubaneswar, permanent resident of At-Patana, PO-Bentkar, Dist-Cuttack, Odisha

...Applicant

By the Advocate(s)-M/s.N.R.Routray

S.Sarkar

U.Bhatta

Smt.J.Pradhan

T.K.Choudhury

-VERSUS-

Union of India represented through:

1. The General Manager, East Coast Railways, E.Co.R.Sadan, Chandraekharapur, Bhubaneswar, Dist-Khurda
2. Chief Personnel Officer/ East Coast Railways, E.Co.R.Sadan, Chandraekharapur, Bhubaneswar, Dist-Khurda
3. Chief Administrative Officer/Con.. E.Co.Rly., Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda
4. Senior Personnel Officer/Con./Co.Ord./East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda
5. Secretary, Railway Board, Rail Bhawan, New Delhi-110 001

...Respondents

By the Advocate(s)-Dr.C.R.Mishra



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ORDER**R.C.MISRA, MEMBER(A):**

Applicant is a retired railway employee. He had earlier approached this Tribunal in O.A.No.683 of 2014 for direction to respondent-railways to refund Rs.72,143/- which had been recovered from his DCRG towards penal rent for retention of quarters at Cuttack. This O.A. was disposed of by the Tribunal vide order 15.09.2014 with direction to respondents to consider the representation and communicate the decision thereon to the applicant. In compliance with the aforesaid direction, the respondents issued a speaking order dated 18.11.2014 in which applicant was intimated that the post facto sanction for permission of retention of quarters as proposed by E.Co. Railways was under active consideration of the Railway Board in consultation with Associate Finance and decision would be advised as soon as the same was considered by the full Board and accordingly, applicant's request for refund of DCRG amount of Rs.72,143/- was assured to be considered as soon as the decision of the Railway Board was received. Since no decision was taken, after about a period of more than six months of the speaking order dated 18.11.2014 issued by the respondents, applicant again moved this Tribunal in the instant O.A. assailing the inaction of the respondents in taking a decision as committed by them in pursuance of the earlier orders of this Tribunal in O.A.No.683/2014 and at the same time, seeking the following relief.



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- i) To direct the Respondents to refund the recovered amount of Rs.72,1432/- from the DCRG of the applicant towards penal rent for retention of quarters at Cuttack.
- ii) And to direct the Respondents to pay 12% interest from the date of illegal recovery to till the date of actual payment.

2. On being noticed, respondent-railways have filed their counter opposing the prayer of the applicant. Applicant has also filed a rejoinder thereto.

3. Heard the learned counsel for both the sides at considerable length. During the course of hearing, Mr.Routray brought to my notice a common order dated 20.05.2016 passed by this Tribunal in O.A.Nos.320 and 321 of 2015 under similar facts and circumstances. On the other hand, Dr.Mishra submitted that the common order passed by this Tribunal in the aforesaid O.As has already been complied with and consequently, the railway authorities have issued orders dated 01.11.2016 and 17.11.2016 and accordingly, both the learned counsels have submitted that similar orders as have been passed in both the OAs as referred to above, may be passed.

3. In view of the position stated above, I dispose of this O.A. with direction to the Secretary, Railway Board to consider the matter with utmost dispatch and communicate the decision to the applicant within a period of 120 days from the date of receipt of this order. Having regard to the fact that the applicant has retired long since, and has reached an advanced age, I also



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direct that if the Respondent No.5 does not communicate the decision of the Railway Board within the period as stipulated above, Respondent No.1 without waiting any further shall release the DCRG amount withheld towards damage rent to the applicant. It is also made clear that the period of overstay in the quarters beyond the permissible period of retirement is recoverable towards damage rent and the same shall also be calculated and deducted while releasing the withheld DCRG amount.

Ordered accordingly. No costs.

BKS


MEMBER(A)