

4

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 260/00288 OF 2016
Cuttack, this the 17th day of May, 2016

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER(A)

.....
Purna Chandra Patra, aged about 61 years, Son of Late Gurumurty Patra, Retired Station Superintendent, Kandel Road Railway Station, P.O-Kesinga, Dist-Kalahandi, presently residing at Ashoka Heights, G-203, Vidhan Sabha Road, Mova, Dist-Raipur, Chattisgarh, PIN-492001.

.....Applicant

By the Advocate(s)-M/s. N.R. Routray, S. Sarkar, Smt. J. Pradhan, U.K. Bhatt, T.K. Choudhury, S.K. Mohanty.

-Versus-

Union of India, represented through

1. General Manager, East Coast Railway, Rail Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda-751017.
2. Additional Divisional Railway Manager, East Coast Railway, Sambalpur, PO-Modipara, Dist-Sambalpur-768002.
3. Sr. Divisional Operations Manager, East Coast Railway, Sambalpur, PO-Modipara, Dist-Sambalpur-768002.
4. Assistant Personnel Officer, East Coast Railway, Sambalpur, PO-Modipara, Dist-Sambalpur-768002.

.....Respondents

By the Advocate(s)- T. Rath

O R D E R(Oral)

A.K.PATNAIK, MEMBER (J):

Heard Mr. N.R. Routray, Ld. Counsel appearing for the applicant and Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. The factual matrix of the case is that on 15.12.1981 the applicant joined as ASM in Waltier Division of the Respondents-Department. Thereafter on 02.03.2007 he was transferred to BGBR where he occupied the Railway Quarters on 31.05.2007. On 12.05.2011 the applicant was again transferred to Kandel Road (KDLR) where there was no vacant Quarters. Hence, he retained the Quarters at BGBR. Thereafter, on 24.05.2013 the Respondents-Department issued order for recovery of HRA, Qrs. Rent and damage rent without any prior notice or show cause. In response to the recovery order, on 30.06.2013 the applicant submitted representation to ADRM. When the matter stood thus, on 24.02.2016 the applicant was informed by the DPIO & APO/SBP against application under

Vd

5
RTI, Act that no action was taken against his appeal dated 30.06.2013. Being aggrieved, the applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:-

“(i) the Hon’ble Tribunal may be pleased to quash the order/instructions dated 24.05.2013 under Annexure-A/4, after declaring it as illegal;

(ii) and the respondents be directed to refund the entire amount under Annexure A/4 recovered from the applicant in monthly installments with interest as determined by the Hon’ble Tribunal;

(iii) and pass any other order(s)/direction(s) as deemed fit and proper in the bonafide interest of justice.”

3. Mr. Routray, Ld. Counsel for the applicant submitted that due to non-consideration of the case of the applicant for the aforesaid relief as claimed by him, the applicant submitted representation dated 30.06.2013 (Annexure-A/5) to Respondent No.2. It has further been submitted that till date no response has been received by the applicant on his representation. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. Since the representation submitted by the applicant is stated to be pending, without entering into the merit of this case, we dispose of this O.A at the stage of admission by directing Respondent No.2 to consider the representation dated 30.06.2013 (Annexure-A/5), if the same is still pending, as per the extant Rule and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of 02 (two) months from the date of receipt of copy of this order. If, after such consideration it is found that the applicant is entitled to the relief claimed by him then the same may be extended to him within a further period of 02 (two) months from such consideration. Though we have not expressed any opinion on the merit of the matter, we make it clear that all the points raised in the representation will be kept open for the Respondents to consider the same as per rules, regulations and law in force. However, it is made clear that if in the meantime the said representation has already been disposed of then the result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

5. However, we make it clear that no recovery from the salary of the applicant will be made in pursuance of Annexure-A/4 dated 24.05.2013 for a further period of two weeks from the date of such consideration.

Wll

6. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by Mr N.R. Routray, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.2 by Speed Post for which Mr. Routray, undertakes to file the postal requisites by 20.05.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

K.B