

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

OA. 444 of 1996

* Date of Order: 30.12.96.

Present: Hon'ble Dr. B.C.Sarma, Administrative Member.

Hon'ble Mr. D.Purakayastha, Judicial Member.

B. D. PAUL

-VS-

UNION OF INDIA & ORS.

For the petitioner: Mr. B.Chatterjee, counsel,
with Miss. B.Mondal, counsel.

For the respondents: Mr. C.Samaddar, counsel.

O R D E R

Both sides are present.

At the time of admission hearing, Mr. B.Chatterjee, 1d.counsel, appearing with Miss. B.Mondal, 1d.counsel for the applicant, prays for an interim order for recovery of all amount paid so far as penal rent. Mr.C.Samaddar, 1d.counsel for the respondents, opposes to issue any such interim order on the ground that no representations have been received for stopping of deduction of penal/damage rent from the applicant and that as per Railway Board's order, an employee is liable to pay damage/penal rent if he does not vacate the railway quarter after his transfer from one station to another station.

We have considered the submissions made by Mr.Chatterjee, 1d.counsel, and we have given to understand that the penal rent realised from the applicant is Rs 750/- p.m. and this rate is liable to increase further, as per the Railway Board's Order dt.1.4.89. However, the exact quantum



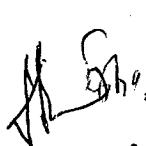
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could not be intimated. Mr. Chatterjee, 1d. counsel for the petitioner, also could not intimate to us the amount of take-home-pay of the applicant but we presume that there was no change of Headquarter on the part of the applicant and the amount recovered from the applicant as penal/damage rent was Rs 750/- p.m. Moreover, as submitted by Mr. Chatterjee, no show cause notice was ever served upon the applicant before the penal action was inflicted.

We therefore, order that the respondents shall not make any further recovery from the applicant as damage/penal rent till the next date of admission hearing.

Matter will come up for admission hearing on
26.2.97.

Let a Plain Copy of this Order be handed over to the 1d. counsel for both the parties.


(D. Purakayastha)
MEMBER(J)


(B.C. Sarma)
MEMBER(A)