

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

Original Application No. 283 of 1996.
Jodhpur the 13th day of January, 1998.

Smt. Bharti Sakya W/o Sh. Sanjay Sakya, Aged about 32 years, R/o Quarter No. L-260-D, Workshop Colony, Northern Railway, Jodhpur (Rajasthan), Presently working as Senior Clerk in the Office of the Railway Stores, D.C.O's Office, Northern Railway, Jodhpur.

... Applicant

Vs.

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. The District Controller of Stores, Northern Railway, Jodhpur.

C O R A M :

HON'BLE MR. A.K. MISRA, JUDICIAL MEMBER

Present :

Mr. S.K. Malik, Advocate, for the Applicant.
Mr. R.K. Soni, Advocate, for the Respondents.

O R D E R

MR. A.K. MISRA

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Applicant has moved this D.A. with the prayer that the order dated 24.7.1996 (Annex.A/1) issued by the respondent No. 2 be quashed and the respondents be directed

to finalise the representations of the applicant for allotment of quarter and electrical charges as per the meter reading. Applicant has also prayed that a direction be also issued to regularise the damage rent recovery.

2. Notice of this O.A. was given to the respondents who have filed their reply in which they have stated that the applicant had entered into an un-authorised occupation of the Railway quarter. However, the order Annex. A-1 has been withdrawn by another office order issued by the respondent No. 2 on 16.9.1996 (Annex.R-1).

3. After the respondents had filed their reply they were given an opportunity to dispose of the representations of the applicant in respect of allotment / occupation of the Railway quarter and also the matter relating to electrical charges. But the respondents could not dispose of the same because the entire file relating to the present controversy was summoned by the Headquarter at Delhi and thus the matter remained pending before the Tribunal also.

4. We have heard the learned counsel for the parties and gone through the record.

5. The applicant has challenged the recovery of damage rent on the ground that before imposing the damage rent no opportunity was given to the applicant and her case relating to ~~existing~~ to circumstances in which she occupied the Government quarter, was not considered but the order by which the damage rent has been imposed on the

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applicant and recovery was initiated was withdrawn by the respondent No.2. In view of the withdrawal of the impugned order the apprehension of recovery of damage rent cannot be said to be existing as against the applicant. However, the matter relating to occupation of Government quarter and regularisation or otherwise thereof and the matter relating to electrical charges, are still pending before the authorities. On this count, the learned counsel for respondents has submitted that the applicant was departmentally dealt-with and in a disciplinary matter punishment order has been passed. But in my opinion initiation of departmental proceedings against the applicant on the ground of un-authorised occupation of quarter is absolutely a different matter and considering the prayer of allotment/regularisation of Government quarter is another matter. At this stage, I would not like to further look into this aspect of the case. But from the record, it appears that the respondents have not disposed of the applicant's representation in respect of these two aspects. Therefore, the O.A. can be decided by issuing directions to the respondents to dispose of applicant's representation dated 9.3.1993 and subsequent representations on the point, if the same have not already been decided, within a reasonable time.

6. I, therefore, accept the O.A. in part and direct that the respondents should decide the representations of the applicant dated 9.3.1993, 22.11.1994, 4.8.1995 and 19.6.1996, if not yet decided, within a period of six months from today. The copies of these representations are already in possession of the respondents, as admitted by the counsel for the respondents.

7. The parties are left to bear their own costs.

file record
on 19/1/68
from photocopies

Ree
Am
29/1/88

Rwby
Re
20/11

Part II and III destroyed
in my presence on 22/3/2003
under the supervision of
section officer as per
order dated 22/12/2003
22/3/04
Section officer (Record)