

I/6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 14.5.2002

OA 190/2001

Bhabut Mal, Diesel Mechanic-I O/o Diesel Shed, Abu Road, W/Rly.

... Applicant

Versus

1. Union of India through General Manager, W/Rly, Churchgate, Mumbai.
2. Divisional Rly Manager, W/Rly, Ajmer Division, Ajmer.
3. Sr.Section Engineer (Gen), W/Rly, Diesel Shed, Abu Road.
4. Sr.Divisional Mechanical Engineer (DL), Abu Road, W/Rly.

... Respondents

CORAM:

HON'BLE MR.JUSTICE O.P.GARG, VICE CHAIRMAN

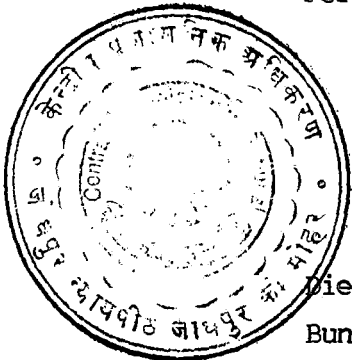
HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

For the Applicant ... Mr.B.Khan

For the Respondents ... Mr.Kamal Dave

O R D E R

PER HON'BLE MR.JUSTICE O.P.GARG, VICE CHAIRMAN



The applicant, who was originally posted at Mount Abu as Diesel Mechanic-I, was occupying Railway Quarter No.387-L, Type-II, 5 Bungalow, Abu Road. He was declared surplus at Abu Road and was shifted to Phulera. The applicant was transferred back to Abu Road on 2.12.98 vide Ann.A/4. By the impugned order dated 8.9.99 (Ann.A/1) the respondents are saddling the applicant with the responsibility to pay damages/rent at the enhanced rates and to vacate the quarter in question.

2. A reply has been filed.


3. We have heard the learned counsel for the parties. It has been brought to our notice that the controversy raised in this OA was the subject matter for consideration in OAs 276, 277, 278, 279 & 280/99, which were decided by a common judgement dated 11.5.2001, a copy of which is annexed at Ann.A/8. We have gone through the decision aforesaid and find that it is squarely applicable to the facts of the present case.

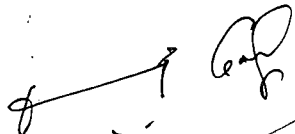
4. We, therefore, allow this OA and direct the respondents to treat the period of retention of the Railway Quarter by the applicant

at Mount Abu for the period beyond two years as authorised for which only the normal licence fee is chargeable. We further direct that the applicant shall be entitled to have the railway quarter regularised in his favour in continuation of the order of this court from the date he reported at Mount Abu. The amount deducted as damages/rent from the salary of the applicant shall immediately be refunded to the applicant with interest @ 9% per annum.



5. The OA stands disposed of accordingly with no order as to costs.


(A.P. NAGRATH)
MEMBER (A)


(JUSTICE O.P. GARG)
VICE CHAIRMAN

Part II and III destroyed
in my presence on 12-7-07
under the supervision of
section officer () as per
order dated 11-4-07

Section officer (Record)

Rec'd
12/7/07

R/c copy
m1615
[Signature]