

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No. 501 of 1995

Friday, this the 2nd day of August, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. M. A. Hameed Dawood, S/o M.H. Abdul Khasim,
Senior Pharmacist, Railway Hospital,
Podanur.
Residing at No. 31-A,
Railway Quarters, Manthoppe Area
Podanur - 641 023 .. Applicant

By Advocate Mr. T.C Govindaswamy

Versus

1. Union of India through
the General Manager, Southern Railway,
Headquarters Office, Park Town PO,
Madras - 3
2. The Divisional Personnel Officer,
Southern Railway,
Palghat Division, Palghat.
3. The Divisional Railway Manager
Southern Railway,
Palghat Division, Palghat
4. The Estate Officer,
Southern Railway,
Palghat Divisional Office, Palghat.
5. Chief Personnel Officer,
Southern Railway,
Headquarters Office, Park Town PO,
Madras - 3 .. Respondents

The application having been heard on 2nd August 1996
the Tribunal on the same day delivered the following:

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges Annexure A-2 order, levying
"damage rate of rent", for unauthorised occupation of Railway
quarters by him.

contd...2

2. Case of respondent Railways is that applicant did not vacate the premises in his occupation on transfer, or even after the extended period of sanctioned occupation. They rely on Annexure R-2, to justify the levy. Annexure R-2 is a letter submitted by applicant on 19.4.1994 to the Divisional Railway Manager/Palghat, undertaking:

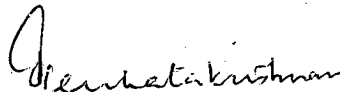
"to pay the penal rent (instalment basis) as per the Rules and Regulations of the administration".

Incidentally, we may notice that the concept of penal rent no longer exists (in view of Annexure R-7).

3. This undertaking will not justify levy of "damage rate of rent". If applicant had agreed to pay penal rent (which does not exist), that does not mean that he had agreed to pay damage rate of rent. At any rate, all this was done without notice to applicant. In the circumstances, we quash Annexure A-2 order, leaving it open to the Railways to proceed further in accordance with the rules. We express appreciation of the help rendered by Mrs. Preethi, who took us through the rules now in force.

4. Original Application is allowed with costs which we fix at Rs. 1,000/- (Rupees One Thousand).

Dated the 2nd August, 1996


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

List of Annexures

1. Annexure A2:- A true copy of the Letter No:J/P 483/MES/Genl. dated 1-2-95 issued by the 2nd respondent.
2. Annexure R2:- True copy of the representation dated 19-4-94 sent by the applicant.
3. Annexure R7:- True copy of the Railway Board's letter No.F(X)I-86/11/9 dated 1.4.89 issued by Mr.Dipali Khanna, Joint Director, Finance(Exp.)LR, Railway Board.