

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA 556/99

Friday this the 27th day of July, 2001.

CORAM

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER  
HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

V.Ramakrishnan  
S/o P.Velayudhan  
Diesel Assistant  
Southern Railway  
Shornur  
Residing at No.207-B  
Ganesh Giri  
Shornur..

Applicant

[By advocate Mr.T.C.Govindaswamy]

Versus

1. Union of India represented by  
the General Manager  
Southern Railway  
Headquarters Office  
Park Town P.O.  
Madras.
2. The Divisional Railway Manager &  
The Estate Officer  
Southern Railway  
Palghat Division  
Palghat..
3. The Senior Divisional Personnel Officer  
Southern Railway  
Palghat Division  
Palghat.

Respondents

[By advocate Mr.Thomas Mathew Nellimoottil]

The application having been heard on 27th July, 2001,  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER


Applicant seeks to declare that the recovery of Rs. 1636/- from his salary for the wage period ending 15.4.99 in the name of damages/damage rent/quarters rent for the alleged unauthorized occupation of quarter No.222-B at Shornur and the proposed further recovery for the same is arbitrary and contrary to law and to direct the respondents to refund the

amount recovered from the applicant's salary for the alleged unauthorized occupation of the said quarter with interest at 18%.

2. Applicant is working as Diesel Assistant at Shornur Railway Station. He was allotted railway quarter No.204/C, Type-I at Shornur by the competent authority. He was in occupation of the said quarter from 21.5.97. While so, he was served with A-2 stating that he has been in occupation of quarter No.222-B allotted to one C.C.Kuttan and that damage/damage rent is liable to be recovered at the rate of Rs.1429/- per month from 9.11.96. He replied to the same as per A-3. There was no response to the same. When he received salary for the wage period ending 15.4.99, he noticed a recovery of an amount of Rs. 1636/- under the head "Quarters Rent". Recovery of Rs.1636/- from his salary towards quarters rent/damage/damage rent for the alleged occupation of railway quarter No.222-B at Shornur is arbitrary and opposed to law. He was not in occupation of quarter No.222-B at any point of time. 2nd respondent is the person notified as Estate Officer under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. There is no concept like damage rate of rent recognized in law.

3. Respondents have filed reply statement.

4. After having argued the matter at length, learned counsel appearing for the applicant submitted that it is suffice to permit the applicant to submit a representation to



the General Manager, Southern Railway Madras and to direct the General Manager, Southern Railway, Madras to consider and pass appropriate orders within a time frame. Learned counsel appearing for the respondents submitted that there is no objection in adopting such a course.

5. Accordingly the applicant is permitted to submit a representation to the General manager, Southern Railway, Madras within one month. If such a representation is received, the General Manager, Southern Railway Madras shall consider the same and pass appropriate orders within 3 months from the date of receipt of the representation.

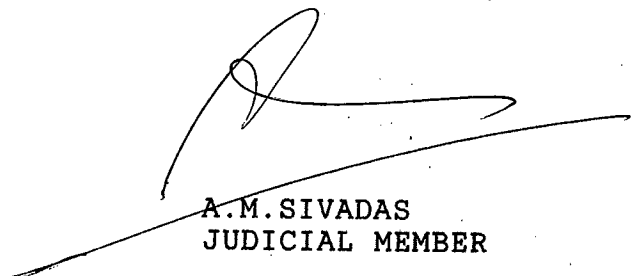
6. The interim order dated 8.7.99 shall continue in force till disposal of the representation.

7. OA is disposed of as above. No costs.

Dated 27th July, 2001.



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



A.M. SIVADAS  
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

- A-2 True copy of notice No.J/P/483/V/Vol.II dated 10.7.97 issued by the Divisional Personnel officer, Southern Railway, Palghat Division.
- A-3 True copy of reply dated 6.8.97 submitted by the applicant to the 3rd respondent.