

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.120/2001.

Thursday this the 14th day of November 2002.

CORAM:

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

P.S.Ajayakumar,
Station Master Grade II,
Southern Railway,
Mayyanad Railway Station, residing at:
Railway Quarters No.189-B, Quilon. Applicant

(By Advocate Shri T.C.Govindaswamy)

Vs.

1. Union of India represented by the
General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Madras-3.
2. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum-14.
3. Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum-14.
4. The Secretary, Housing Committee &
Assistant Personnel Officer, Southern
Railway, Trivandrum Division,
Trivandrum-14. Respondents

(By Advocate Shri P.Haridas)


The application having been heard on 14th November 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

This O.A. has been filed by the applicant aggrieved by the action of the respondents and recovering damage rent for his continued occupation of railway quarters at Quilon. He sought the following reliefs through this O.A.

- (a) Declare that the recovery of damages/damage rent from the applicant's salary since October, 2000 for occupation of the Railway Quarters No.189-B at Quilon is arbitrary, discriminatory and unconstitutional and direct the respondents accordingly;



- (b) direct the respondents to regularise the occupation of Railway Quarters No.189-B at Quilon in favour of the applicant with effect from 19.12.1998 and direct the respondents to grant the consequential benefits thereof;
- (c) Direct the respondents to refund the damages/damage rent recovered from the applicant's salary since October, 2000 in connection with the occupation of the railway quarters No.189-B at Quilon forthwith;
- (d) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

2. The applicant has advanced a number of grounds in support of the reliefs sought for by him. The respondents filed reply statement resisting the claim of the applicant and the applicant filed rejoinder.

3. Today when the Original Application was taken up for final hearing, learned counsel for the applicant submitted that, the applicant would be satisfied if the applicant is permitted to submit a representation detailing his grievances to the first respondent, General Manager, Southern Railway and the said respondent is directed to consider the said representation within a reasonable time and pass appropriate orders maintaining the interim order dated 1.2.2001 till a decision is taken by the first respondent.

4.. Learned counsel for the respondents submitted that there is no objection in adopting the above course of action.

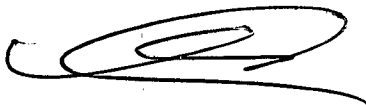
5. In the light of the above submissions made by the counsel for the parties, we give liberty to the applicant to submit a representation within three weeks from today to the first respondent, General Manager, Southern Railway through proper channel, who shall, on receipt of the said representation,



consider the same and pass appropriate orders within a period of three months from the date of receipt of the representation and advise the applicant. Till such orders are passed and advised to the applicant, the interim order dated 1.2.2001 shall remain in force.

5. The Original Application stands disposed of as above with no order as to costs.

Dated the 14th November, 2002.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

rv

A P P E N D I X

Applicant's Annexures:

1. A-1: A true copy of the order No.V/P 555/Retention (Pilot) dated 20.7.98 issued by the 4th respondent.
2. A-2: A true copy of the letter dated 17.6.98 addressed to the 3rd respondent submitted by the applicant.
3. A-3: True copy of Memorandum bearing No.V/P 555/Retention (Pilot) dated 9/13.10.98 issued by the 4th respondent.
4. A-4: True copy of the representation dated 25.1.99 submitted by the applicant addressed to the 2nd respondent.
5. A-5: A true copy of the reminder dated 4.3.2000 submitted by the applicant addressed to the 2nd respondent.
6. A-6: A true copy of the representation dated 15.11.2000 submitted by the applicant addressed to the 3rd respondent.
7. A-7: A true copy of the certificate dated 10.4.2000 issued by the Divisional Railway Manager, Trivandrum.
8. A-8: A true copy of the Memorandum bearing No.V/P.555/ALLP (Pilot) dated 25.4.2000/2.5.2000, issued by the 4th respondent, allotting Type II Quarters No.1, at Harippad to one Smt.C.Umayamma, Assistant Station Master of Cheppad Railway Station.
9. A-9: A true copy of the representation dated 15.5.2002, submitted by the applicant addressed to the 2nd respondent, seeking regularisation of the quarters in question, since, the applicant had joined back Quilon.
10. A-10: A true copy of the Chart prepared by the applicant, indicating the position of vacant quarters as on July 2001, at Quilon Station.

Respondents' Annexures:

1. R-1: A true copy of CPO/MAS letter No.P(W) 721/PNM/III dated 24.2.2000.
2. R-2: A true copy of Railway Board's letter No.F(X)1-86/11/6 dated 1.4.89.
3. R-3: A true copy of letter No.V/P 555/Policy dated 13.5.98 communicating Railway Board's letter No.F(X)I/97-11/5 dated 30.12.97.

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20.11.02