

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.244/2002

Thursday this the 11th day of April, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE
MEMBER

D.Vijayan, S/o Divakaran,
Technician Grade I,
Microwave, Southern Railway,
Ernakulam Junction,
residing at Railway Quarters No.108-D
Ernakulam Junction,
Ernakulam.

... Applicant

(By Advocate Mr.TCG Swamy/Mr.KM Anthru)

v.

1. Union of India, represented by
the General Manager,
Southern Railway, Headquarters Office,
Park Town PO, Madras.3.
2. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park Town PO, Madras.3.
3. The Deputy Chief Signal &
Telecommunication Engineer,
Microwave, Southern Railway,
Perambur, Chennai.23.
4. Senior Personnel Officer,
Office of the Deputy Chief Signal &
Telecommunication Engineering
Microwave, Perambur,
NJO Complex, Chennai.23.

.. Respondents

(By Advocate Mr. Thomas Mathew Nellimoottil)

The application having been heard on 11.4.2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

Applicant while working as Technician Grade I in
the Microwave unit of Southern Railway, Ernakulam Junction
was in occupation of a Railway Quarter No.108-D at

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Ernakulam Junction. He was transferred to Peerumedu in Idukki District and was relieved to take up that posting on 12.6.98. The applicant was not provided with any Railway Quarter at Peerumedu and his children were studying at Ernakulam. The applicant did not vacate the quarter and his family continued to reside there. While so the applicant received Annexure.A1 letter dated 25.4.2000 proposing to recover a sum of Rs. 2590/- p.m. towards damage rent with effect from 13.8.98 commencing from the pay bill of the month of May, 2000. The applicant submitted a representation on 1.5.2000 to the third respondent mentioning the circumstances under which he continued to occupy the quarter and requesting that no damage rent be recovered. He did not get any reply and no recovery of damage rent was made as proposed in Annexure A1 notice. He thereafter was transferred back to Ernakulam on 30.7.2000 and joined on that date. The applicant assumed his stay in the quarter with his family. Now the grievance of the applicant is that an order dated 13.12.2001 (A3) has been issued wherein a sum of Rs. 19,069/- is shown as damage rent due from the applicant for the period 13.8.98 to 29.7.2000. Aggrieved by this the applicant has filed a representation to the third respondent which has not been considered and disposed of. In the meanwhile recovery of Rs.1907/- has been made from the salary of the applicant for the month of March, 2002. Aggrieved the applicant has filed this application seeking to set aside the impugned order Annexure.A3 to the extent it affects him.

2. When the application came up for admission, Shri Thomas Mathew Nellimootil took notice for the respondents. Counsel agree that the application may be disposed of

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directing the third respondent to consider Annexure.A4 representation of the applicant and to give him an appropriate reply within a reasonable time and that the recovery pursuant to the impugned order Annexure.A3 may be kept in abeyance till an order of the third respondent on the representation is served on him.

3. In the light of the submission of the learned counsel for the respondents, we dispose of this application with a direction to the third respondent to consider Annexure.A4 representation of the applicant and to give him an appropriate reply as expeditiously as possible. We also direct that further recovery on the basis of the impugned order Annexure.A3 shall not be made till the decision of the third respondent on the representation of the applicant is served on him. No costs.

Dated the 11th day of April, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

APPENDIX

Applicant's Annexures:

1. A-1 : A true copy of the letter bearing No.MW/PB/555/Vol.XV, dated 25.4.2000 issued by the 3rd respondent.
2. A-2 : A true copy of the reply dated 1.5.2000 addressed to the 3rd respondent.
3. A-3 : A true copy of the letter No.MW/PB/117/Vol.II dated 7/13.12.2001 issued by the 4th respondent.
4. A-4 : A true copy of the representation dated 1.1.2002 addressed to the 3rd respondent.

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19.4.02