

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

O.A.No.196/2005
This the day of 12th September 2005

HON'BLE SHRI S.P. ARYA, MEMBER (A)

Krishna Nath Chaturvadi aged about 55 years, son of Shri Chhotey Lai Chaturvadi, resident of Quarter No. LD-52-D, Running Shed Railway Colony, Alambagh, Lucknow.

...Applicant.

By Advocate: Shri Sanjay Mishra.

Versus.

1. Union of India, Ministry of Railway, through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway manager, Northern Railway, Hazratganj, Lucknow.
3. Senior Section Engineer (Central), Loco Diesel Shed, Alambagh, Northern Railway, Lucknow.

...Respondents.

By Advocate: Shri V.K. Srivasrava.

ORDER

BY HON'BLE SHRI S.P. ARYA, MEMBER (A)

1. The applicant, by this O.A. seeks for quashing of the order dated 18.3.2005 passed by Respondent No.2 for charging the Damage rent.
2. The applicant, who was working as Goods Driver, was transferred to Raebareli on 28.5.1999 and moved an application for retention of Railway Quarter LD-52-D allotted to him, he was allowed to retain the quarter on normal license fee from 28.5.1999 to 27.7.1999 and double of the license

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fee from 28.7.1999 to 27.1.2000. On his re-transfer to Lucknow on 7.2.2001, he moved an application for regularisation of the quarter.

3. I have heard the learned counsel for the parties and perused the pleadings. Counsel for the respondents stated that the railway quarter can be retained by an employee who is transferred back to the same station only for 12 months on charging only penal rent. Since 12 months already elapsed and therefore, he has to pay penal rent.
4. The arguments advanced by the counsel for the applicant that he has made earlier an application for regularizing the quarter in question and no orders were passed, it is understood that the same has been regularised, is not tenable. Non-communication of the orders to applicant by itself cannot be deemed to be regularizing the retention. Since the applicant has been requesting for regularisation to the competent authority as he has been transferred back to Lucknow and no orders of cancellation of the allotment has been issued, it would be just and proper to direct the applicant to make another representation for considering his case for regularisation of the residence at Lucknow. Such representation can be made within 10 days and on receipt of such representation, the competent authority would decide the representation within a period of 2 months. No recovery would be effected till the decision of the representation. Orders passed on his representation would be communicated ✓ to the applicant also.

