

Central Administrative Tribunal , Lucknow Bench, Lucknow

Original Application No. 10/2006

This the 6th day of January, 2006

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

Jagdish Prasad Kashyap (J.P. Kashyap) aged about 48 years son of Sri Brij Bhushan Kashyap, R/o LD-52/A, Type II, Running Shed Colony, Alambagh, Lucknow.

...Applicant

By Advocate: Shri R.S. Chauhan

Versus

1. Union of India through the Secretary, Ministry of Railways, New Delhi.
2. Divisional Railway Manager, Northern Railway, Lucknow.
3. Senior Divisional Mechanical Engineer (Diesel), Northern Railway, Lucknow.
4. Senior Section Engineer (Loco), Northern Railway, Alambagh, Lucknow.
5. Senior Section Engineer (General) , Northern Railway, Alambagh, Lucknow.

... Respondents.

By Advocate: Sri Bhupendra Singh for Sri N.K.Agrawal

ORDER (ORAL)

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

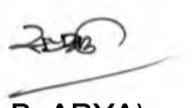
The applicant by this O.A. seeks for quashing the order dated 12.3.2005 passed by opposite party No.5 for recovery of damage rent.

2. The applicant was working as Good Driver at Lucknow and was allotted Type III Staff Quarter. He was transferred to Sultanpur on 22.6.2001 and was again posted at Lucknow on 19.10.2002. The competent authority has approved the retention of quarter till 21.5.2002. The applicant made a representation (Annexure No.4) on 9.12.2002 for regularizing the Railway quarter No. LD-52 A but no order has been passed thereon. Another representation of 22.9.2005 was also submitted for stoppage of recovery of damage rent from his pay. This also has not been responded to.

3. Upon hearing the counsel for the parties and keeping in view that the applicant having been transferred back to Lucknow and no order of cancellation of the quarter has been issued, it is found expedient and in the

interest of justice to direct the competent authority to take a decision on the representation of the applicant with regard to regularisation of accommodation and non recovery of damage rent on his being posted back in Lucknow within a period of 2 months. Till the decision of the representation and communication of the decision thereon to the applicant, no recovery of damage rent as stipulated in the impugned order of 12.3.20005 (Annexure I) shall be effected.

4. With the above directions, the O.A. is disposed of with no order as to costs.


(S.P. ARYA)
MEMBER (A)

"HLS"