

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA.**

O.A. No. 395 of 2005

Date of order : 9. 9. 2005

**C O R A M**

**Hon'ble Ms. Sadhna Srivastava, Member (J)**

Ajay Kumar Chakravorty, S/o Late Abani Kumar Chakravorty,  
Head Clerk, O/o Sr. D.P.O. , E.C. Railway, Sonapur, resident of  
quarter No. G/171/B, Brahmpura Railway Colony, Muzaffarpur.

**....Applicant**

**By Advocate : Shri M.P. Dixit.**

Vs.

1. The Union of India through the G.M. E.C. Railway, Hajipur.
2. Divisional Railway Manager, E.C. Railway, Sonapur.
3. Sr. Divisional Personnel Officer, E.C. Railway, Sonapur.

**....Respondents**

**By Advocate : Shri A.A. Khan**

**O R D E R**

**By Sadhna Srivastava, M (J):-**

The applicant is aggrieved by the impugned order dated 24.6.2005 as contained in Annexure A/6, whereby damage / penal rent has been ordered to be charged in respect of a railway quarter at Muzafarpur in possession of the applicant.

2. The facts, in brief, are that the applicant was allotted



railway quarter No. G/171/B Brahmpura railway colony, Muzaffarpur vide order dated 7.6.1984 (Annexure A/1.) The applicant is a junior Clerk working in the E.C. Railway. He is posted at Sonapur. All of a sudden, it has been decided to levy damage/penal rent, treating the applicant as unauthorised occupant. It has been alleged that a number of employees posted outside Muzaffarpur have been allotted quarter at Muzaffarpur and allowed to retain the same till the date of their superannuation. However, some of them were discriminated and asked to vacate or pay damage rent. Therefore, OA 459 of 2002 and OA 604 of 2002 were filed in Patna Bench of the Tribunal. Finding the action of railway authorities as discriminatory, this Bench of the Tribunal, vide judgment and order dated 24.9.2003, set aside these orders imposing damage /penal rent or treating the applicant as unauthorised occupant, with certain observations. The applicant was a similarly placed person. As such, he submitted a representation to the competent authority, claiming that he be allowed to continue to occupy the above said railway quarter on normal rent. However, the request was not accepted, and by means



of the impugned order, as contained in Annexure A/6, the applicant has been imposed with the liability to pay damage/penal rent , and recovery started, therefore, the applicant <sup>✓ has ✓</sup> filed the instant OA.

3. The respondents, despite sufficient opportunity, have not filed written statement. Stop order has also been passed on 10.8.2005 that if written statement is not filed by the next date, pleadings would be treated as complete, and the application will be heard on the basis of material available on record. The respondents have neither filed written statement nor shown cause for their inability to file reply within the prescribed time. In the circumstances, the case was heard finally at the admission stage itself on 19.8.2005.

4. I have perused the material on record. Also, heard counsel for the parties present on 19.8.2005. The case is squarely covered by the judgment and order of Division Bench of this Tribunal in OA 459 of 2002 and OA 604 of 2002 decided on 24.9.2003. The said Original Applications were filed by the similarly placed employees. The grievance of the applicant is that though he is entitled to the same benefits as given to the applicant

*[Handwritten signature]*

of the aforesaid OA, <sup>✓</sup>the respondents have rejected the representation of the applicant on the sole ground that he was not party in the aforesaid OA<sup>✓</sup>. Therefore, he is not entitled to get the benefits of the aforesaid order.

5. I have perused the impugned order dated 24.6.2005. It is ☐ correct that the applicant has been denied benefits of the aforesaid order on the ground that he was not arrayed as party in the aforesaid applications.

6. I am constrained to observe that the decision of the competent authority to extend<sup>✓</sup> the benefits of judgment to those only who had approached the Tribunal is to be deprecated. The extension of benefits of judgment to those who are similarly circumstanced is a basic principle of rule of law. The Government is expected to respond to the just demands of its employees and not to drive them to knock the door of court for no rhyme or reason.

7. Since the applicant is similarly circumstanced employee as the applicants of the above mentioned OA 459 of 2002 and OA 604 of 2002, I hereby set aside the impugned order dated 24.6.2005, as contained in Annexure A/6. It is further



directed that the amount , if any, recovered on the basis of the said impugned order shall be refunded or adjusted as soon as possible.

8. The OA is accordingly allowed. There shall, however, be no order as to costs.

  
[Sadhna Srivastava] M [J]

/cbs/