

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 596/99

Date of Decision : 30.11.2000

A.K.N.Panikar Applicant.

Shri G.S.Walia Advocate for the
Applicant.

VERSUS

Union of India & Ors. Respondents.

Shri R.R.Shetty Advocate for the
Shri S.C.Dhawan Respondents.

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?
- (iii) Library

also

S.L.Jain
(S.L.JAIN)
MEMBER (J)

mrj*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.596/99

Thursday this the 30th day of November, 2000.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

A.K.N.Panikar,
Senior Booking Clerk,
Kurla Terminus,
Central Railway,
Kurla, Mumbai.

... Applicant

By Advocate Shri G.S.Walia

V/S.

1. Union of India through
General Manager,
Central Railway,
HQ Office, Mumbai CST,
Mumbai.
2. Divisional Railway Manager,
Mumbai Division,
Central Railway,
DRM's Office,
Mumbai CST, Mumbai.

... Respondents

By Advocate Shri R.R.Shetty
for Shri S.C.Dhawan

O R D E R (ORAL)

(Per : Shri S.L.Jain, Member (J))

This is an application under Section 19 of the Administrative Tribunals Act, 1985 for order and direction to the respondents not to charge damage rent, penal rent for the Railway Quarter No.H/225, SM Chawl, Railway Colony, Parel, Mumbai, for

J. L. Jain

..2/-

refund of Rs.1000/- to the applicant which is deducted from the salary of June,1999 with a declaration that the applicant is in authorised occupation of the Railway Quarter and that the action of the respondents of charging damage/penal rent is illegal and unauthorised.

2. After hearing the learned counsel for the applicant and respondents, the following facts, which are not in dispute, are noticed :-

(i) The applicant was allotted Railway Quarter No.H/225, SM Chawl, Railway Colony, Parel, Mumbai on or about 2.2.1992.

(ii) The applicant was served with a charge-sheet dated 2.6.1999 on the allegation that he has sub-letted a part of the Railway Quarter No.H/225, SM Chawl, Railway Colony, Parel, Mumbai to some outsiders on rental basis.

(iii) Rs.1000/- is deducted on account of the said sub-letting in the salary bill of June,1999.

3. On perusal of the written statement, it is found that during the vigilance checking conducted by the Vigilance team, Central Railway on 29.6.1998, it was found that the applicant has sub-letted the said railway quarter to outsider and was charging rent from them.

S.L. Datta

4. The applicant has filed the charge-sheet Exhibit-'A' which relates to the charge of sub-letting. After receipt of the said chargesheet, he has applied vide letter dated 9.7.1999 for supply of copies of the relied upon documents. There is no allegation in the pleadings filed by the respondents, that disciplinary proceedings are complete one and the applicant has been held guilty of sub-letting. Further regarding deduction from the salary at the rate of Rs.1,000/- p.m., no notice was issued by the respondents to the applicant to show cause. Even in administrative actions principles of natural justice ought to have been followed.

5. The learned counsel for the applicant relied on 1996(1) ATJ 178, Krishna Baburao Pawar vs. The Chief Postmaster & Ors., for the proposition that if no domestic enquiry held, principles of natural justice is being violated. In the result, penal rent charged from the applicant directed to be refunded with interest.

6. In the present case, the disciplinary proceedings is yet pending and regarding deduction from salary no notice was served on the applicant. Principles of natural justice is being violated. The act of the respondents is in disregard of the principles of natural justice.

7. The bench has not decided whether the applicant has sub-letted the allotted quarter or not. It is open to the respondents to take a decision thereon but that too after following the principles of natural justice.

P.L. Jha

..4/-

8. In the result, OA. is allowed. The respondents are ordered to refund Rs.1000/- to the applicant and not to charge damage rent/penal rent till the applicant is afforded an opportunity to represent his case and respondents take a decision thereon. Regarding relief (b), it is held that the applicant is not entitled at this stage. No order as to costs.

S.L. Jain
(S.L.JAIN)

MEMBER (J)

mrj.