

74

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
---

G.A.No.743/92.

Dt. of Decision : 14-07-95.

Ch. Venkateswara Rao

.. Applicant.

Vs

1. Sr. Divisional Operating Superintendent,  
SCRly, Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager  
(Personnel) BG,  
SCRly, Rail Nilayam, Secunderabad. .. Respondents.

Counsel for the Applicant : Mr. P.Krishna Reddy

Counsel for the Respondents : Mr. J.R.Gopala Rao, SC for Rlys.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

(73)

O.A.NO.743/92.

JUDGMENT

Dt: 14.7.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri P.Krishna Reddy, learned counsel for the applicant and Shri J.R.Gopala Rao, learned standing counsel for the respondents.

2. The applicant was allotted quarter No.R B-II/ 282/3 when he was working at Kazipet. He was transferred from Kazipet to Pindial on 24.9.1989. The penal rent for the quarter was deducted from the salary of the applicant from the month of July 1991.

3. It is stated for the respondents that as the applicant had not <sup>vacated</sup> ~~evicted~~ the quarter allotted to him in Kazipet even after his transfer to Pindial, the penal rent was collected from the applicant as per rules. The same is challenged in this OA. By the interim order dated 28.8.1992, the respondents were restrained from evicting the applicant from the quarter in question until 16.9.1992 and the same was extended later until further orders. But no order was passed in this OA restraining the respondents from collecting the penal rent.

4. The applicant submitted representation dated 25.8.1991 requesting the Divisional Railway Manager to allow him to retain the quarter at Kazipet as he

contd...

(76)

.. 3 ..

is constrained <sup>to</sup> ~~the~~ leave his family in Kazipet as there are no educational and medical facilities and as there are no shops in Pindial, the place to which he was transferred. On 30.9.1991 he submitted another representation requesting for allowing his family to stay in the said quarter as long as the quarter is not ~~handed over~~ <sup>allotted to another //</sup>. The letter No. E(G)83RN2-6, dated 25.9.86 stipulates that the Railway employees on transfer may be allowed to retain quarter for two months on payment of normal rent and another six months on payment of double the assessed rent. It also states that if the academic session is not going to <sup>be</sup> over <sup>within</sup> ~~by~~ the above period of eight months from the date of transfer, the employee can be permitted to stay in the quarter on payment of double the assessed rent till that academic year <sup>is</sup> ~~was~~ over.

5. It is submitted for the respondents that as the academic year was over in 1990, the applicant has no right to continue in the quarter, and hence there is no illegality when the respondents' administration started collection of the penal rent from July 1991 when the applicant had not chosen to vacate it even after the expiry of another academic year.

6. The learned counsel for the applicant had not brought to our notice any provision under which the employee ~~is~~ can retain ~~on~~ the quarter even beyond the

contd....

periods referred to and hence the respondents cannot be faulted for collecting the penal rent from ~~xxxx~~ July, 1991.

7. But the respondents were restrained by this Tribunal from <sup>evicting</sup> ~~vacating~~ the applicant from the quarter with effect from 28.8.1992. We feel that when the applicant retained the said quarter from 28.8.1992 ~~also~~, <sup>as per the interim order,</sup> it is not just and proper to direct him to pay the penal rent from that date.

8. It is submitted ~~that~~ the applicant was again transferred to Kazipet and he reported there on 27.9.93 and from that date, normal rent was being collected from the applicant for this Railway quarter (vide letter No.CP/648/OA 743/92, dated 12.7.1995 produced for the respondents during the course of the arguments). The learned counsel for the respondents stated that though the letter dated 12.7.1995 does not state that normal rent was collected for this Railway quarter from the applicant from 27.9.1993, he was instructed to state about it.

9. The learned counsel for the applicant submitted that the applicant was not paid HRA and CCA though it is due to him from the date on which <sup>he</sup> reported at Pindial. If the applicant is entitled to the same, and if ~~xx~~ he is

contd....

(48)

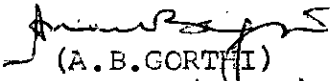
.. 5 ..

so advised, he is free to make representation to the concerned authority in regard to the same.

10. In the result, this OA is disposed of as under:-

This OA in regard to the challenge about collection of penal rent from July 1991 till 28.8.1992 is dismissed. If the penal rent was collected for this Railway quarter from the applicant from 28.8.92, the date of the interim order till 27.9.1993, the date from which the normal rent was collected, the difference between the penal rent and the double the assessed rent for the above period has to be refunded to the applicant.

11. The OA is ordered accordingly. No costs.//

  
(A.B.GORTHI)  
MEMBER (ADMN.)

  
(V.NEELADRI RAO)  
VICE CHAIRMAN

DATED: 14th July, 1995.  
Open court dictation.

  
Deputy Registrar(J)CC

vsn

To

1. The Sr.Divisional Operating Superintendent,  
S.C.Rly, Railnilayam, Secunderabad.
2. The Divisional Railway Manager(Personnel) BG,  
S.C.Rly, Railnilayam, Secunderabad.
3. One copy to Mr.P,Krishna Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.J.R.Gopala Rao, SC for Rlys, CAT Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

A N D

THE HON'BLE MR. *A. B. Gordhi* RANGARAJAN: (M(ADMN))

DATED 14/7 1995.

~~ORDER~~/JUDGMENT:

M.A./R.A./C.A.No.

OA.No. *in* 743/92

TA.No. (W.P. )

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No. order as to costs.

*No Spare Copy*

