

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

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O.A. 1405/93

Dt. of Decision : 30.3.94

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.. Applicant

Vs

1. Railway Board, Represented by its Secretary, Rail Bhavan, New Delhi.
2. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
3. Divisional, Railways Manager
4. Senior Divisional Personnel Officer, South Central Railway, Guntakal.

.. Respondents.

Counsel for the Applicant ; Mr. P. Krishna Reddy

Counsel for the Respondents: Mr. V. Bhimanna, Addl. CGSC

CORAM:

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

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri P. Krishna Reddy, learned counsel for the applicant and Sri V. Bhimanna, learned counsel for the respondents.

2. This OA was filed praying for a direction to the respondents to permit the applicant to retain the Railway quarter No.789/F, Santhi Nagar, Type-I, Guntakal; not to collect penal rentals of Rs.498/- p.m. and to return the excess amount collected from the month of June, 1991, and to set aside the order No.G/P.555/Dal/GRL/Vol.IV dated 7-10-1993.

3. The facts which give raise to this OA are as under :

The quarter No.789/F, Santhi Nagar, was allotted to the applicant when he was working as Electrical Fitter in Diesel Loco Shed, Guntakal, due to exigencies of service, the applicant was transferred to Castle Rock in Hubli Division on promotion as Fitter Grade I as per order dated 29-3-1990. He was retransferred to Guntakal by order dated 24-4-1991 and he joined in Guntakal on 5-5-1991. The applicant pleads that after he was transferred to Hubli Division, he submitted a representation dated 6-4-1990 praying for retention of quarter at Guntakal and after he had come back to Guntakal he submitted a representation on 12-7-1991 praying for regularisation of quarter No.789/F in his name from the date he was transferred to Hubli. But it is stated for the respondents that they received the representation of the applicant for retention of the quarter for the first time only on 24-5-1993 and they had not received any representation

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He has not been retained with the same name to that date

4. As per rules, the employee on transfer is permitted to retain the quarters at the place from which he was transferred for a period of two months from the date of relieving on normal rate and he can be permitted to retain the same for six more months on normal rent if the transfer is due to administrative exigencies.

5. It is stated for the applicant that for want of suitable skilled Artisans in the Hubli Division, the skilled Artisans are being transferred from Guntakal to Hubli Division on rotation and they are being retransferred on expiry of eight months and due to the administrative exigencies the applicant was retransferred only after 13 months and when the delay in retransfer was due to administrative exigencies, the applicant cannot be penalised and hence the penal rent should be collected.

6. When normally the skilled Artisan is being retransferred within eight months and in such case the skilled Artisan is not only entitled to retain the quarter for eight months but it also has to be regularised in the name of the employee after retransferred and when the prolonged period of stay of the applicant at Hubli Division beyond eight months is not at his request but due to administrative exigencies, we feel that it is just and proper to pass the following order :

The normal rent has to be collected from the applicant for the first eight months and after relieving of the applicant is relieved from Guntakal Diesel Shed, the quarter No. 789/F, Sonthi Nagar, Type-I, Guntakal, has to be regularised in the name of the applicant from 5-5-1991 the date on which he joined Guntakal on retransfer. The applicant has to pay the penal rent from the date of expiry of eight months after the date of his relieving at Guntakal Diesel Shed till 4-5-1991, as it is

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stated for the respondents that the applicant's request for retention for quarter was not received, excess amount collected towards rent if any had to be refunded by 31-5-1994.

7. The OA is ordered accordingly. No costs.

CERTIFIED TO BE TRUE COPY

S. S. Venkateswaran
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

Copy to:-

1. Secretary, Railway Board, Rail Bhavan, New Delhi.
2. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
3. Divisional Railway Manager, S.C.Railway, Guntakal.
4. Senior Divisional Personnel Officer, South Central Railway, Guntakal.
5. One copy to Sri. P.Krishna Reddy, advocate, CAT, Hyd.
6. One copy to Sri. V.Bhimanna, SC for Rlys, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

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