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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1305/95

Date of Order : 15.10.97

BETWEEN :

V.Raju

.. Applicant.

AND

1. General Manager,  
S.C.Rly., Rail Nilayam,  
Secunderabad.

2. Senior Divisional Personal  
Officer, S.C.Rly., Guntakal.

3. Divisional Railway Manager,  
S.C.Rly., Guntakal.

.. Respondents.

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Counsel for the Applicant

.. Mr.K.Sudhakara Reddy

Counsel for the Respondents

.. Mr.J.R.Gopala Rao

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CORAM:

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

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JUDGEMENT

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Heard Mr.K.Sudhakara Reddy, learned counsel for the applicant and Mr.J.R.Gopala Rao, learned standing counsel for the respondents. Sri S.Venkata Ramana, Assistant Personnel Officer, Guntakal Division was present.

2. The applicant in this OA while working in Guntakal Division as Office Superintendent Gr-II was transferred to Bezawada division on promotion as Office Superintendent Gr-I on 10.6.89 and was

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retransferred to Guntakal on 26.2.90. The applicant earlier to his transfer to Bezawada division while working in Guntakal division ~~he~~ was in occupation of Quarter No. 499/B <sup>allotted</sup> in his name. When the applicant was transferred to Bezawada he has not vacated the quarter and his wife who is also a railway employee working as Assistant Teacher RPS/T/GTL was staying in that quarter. She requested the administration to regularise the quarter in her name. But that was not done. The applicant was transferred back to Guntakal division on 26.2.90 and he retired on 31.7.92. the quarter was regularised in the name of his wife w.e.f. 1.2.95. The penal rent at the rate of Rs.220/- p.m. was recovered from the applicant at Bezawada division for the period 12.8.89 to 21.2.90. His DCRG amounting to Rs.36,000 was also withheld as the quarter was not regularised in his name even after he was transferred to Guntakal division. The penal rent of Rs.14,455 from October 1990 to July 1992 was also <sup>Recovered</sup> regularised from the salary of the applicant at Guntakal division.

3. This OA is filed for regularising the quarter No. 499/B in the name of the applicant's wife Smt. B. Nancy Pushpavani, Assistant Teacher RPS/T/GTL w.e.f. 10.6.89 to 1.2.95 and to pay the applicant's DCRG amount of Rs.36,000 with interest from 1.8.92 and to refund the penal rent recovered from the applicant at Bezawada division from 12.8.89 to 24.2.90 at the rate of Rs.220/- per month and to refund the penal rent recovered from the applicant amounting to Rs.14,455 from October 1990 to July 1992.

4. The applicant relies on the instructions given by the Railway Board letter No. E(G)73 RN 1-10, dated 2.7.74. Relying on para-5 of this circular the applicant submits that the quarter should have been regularised in the name of his wife soon after the applicant was transferred to Bezawada division and he <sup>has</sup> also quoted similar cases in which the rule quoted above was followed.

5. The respondents in their reply submitted that the Railway Board's letter dated 2.7.74 is not applicable to the facts of this case. The said letter is applicable only to employees who are staying separately in two different railway quarters prior to their marriage and after marriage either of the spouse has surrendered the quarter. Whereas this is not the case of the applicant as such the rule quoted is irrelevant and the relief asked for on the basis of the letter cannot be extended to the applicant.

6. The extract of the rule is <sup>not</sup> very clear. Hence we asked the railway authorities to produce the full letter for my perusal. Today Sri S.Venkata Ramana, APO, Guntakal Division produced the railway board letter in full for perusal. This rule ~~also~~ states that in case the employees occupying two quarters gets married one of them should surrender the quarter within one month and incase the above contentions are fulfilled then the para-5 relied upon by the applicant is to be followed. The relevant paras of that letter are extracted below :-

" Railway Board's letter No.E(G)73QR1-44 dated 2nd July, 1974  
Sub:- Allotment of railway quarters to gazetted and non-gazetted staff.

and non-gazetted staff where two employees in occupation of separate residence at the same station, allotted under the Railway Rules, marry one another, shall be regulated as under

i) -- -- --

ii) -- -- --

iii) -- --- --

iv) -- --- --

v) In the event of either of two employees (Husband and wife) being transferred to another station, he/she (as the case may be), shall be entitled for allotment of the Railway quarter under the relevant rules.

2) -- ---- --

7. From the reading of the above letter that the quarter can be regularised in the name of the applicant's wife at Guntakal provided both of them had separate quarters prior to marriage and the wife had surrendered the quarter ~~and~~ <sup>when</sup> joined with her husband in his allotted quarter. But this is not the position in the present case. The wife of the applicant was never allotted the quarter before her marriage with the applicant. She joined with her husband in the allotted quarter of her husband. Hence the rule quoted is not relevant and on that basis no relief can be given to the applicant in this case.

8. In view of what is stated above the OA is only liable to be dismissed. However the learned counsel for the applicant submits that the applicant is a retired employee and a huge amount had already been recovered from his DCRG and some portion of DCRG is ~~mainly~~ <sup>your</sup> ~~disbursed~~ to be recovered. Hence he submits that <sup>some</sup> concession should be shown to him more so in view of the precedences quoted by him. I also feel some sympathy has to be shown to the applicant. In view of that the applicant may submit a detailed representation to the General Manager for regularising his quarter in the name of his wife from an early date and by that allotment the recovery can be minimised <sup>to a certain extent</sup>. I am leaving to the General to take a sympathetic view on this point.

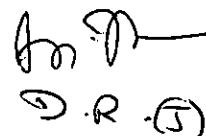
9. In view of the above OA is disposed of subject to the above observations made in para-8. No costs.

  
(R. RANGARAJAN)  
Member (Admn.)

Dated : 15th October, 1997

(Dictated in Open Court)

sd

  
D.R.J.

OA.1305/95

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Senior Divisional Personal Officer, South Central Railway, Guntakal.
3. The Divisional Railway Manager, South Central Railway, Guntakal.
4. One copy to Mr. K.Sudhakara Reddy, Advocate, CAT., Hyd.
5. One copy to Mr. J.R.Gopala Rao, SC for Rlys., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

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29/10/97  
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TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESWAR : M(J)

Dated: 15/10/97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in  
O.A.NO. 1305/95

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal

DESPATCH

28 OCT 1997

हैदराबाद न्यायपीठ  
HYDERABAD BENCH