

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.196/96

Date of Order: 30.7.96

BETWEEN:

Md.Khannam Shavali .. Applicant.

AND

Senior Divisional Personnel Officer,
S.C.Rly., Divisional Office,
Vijayawada. .. Respondent.

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Counsel for the Applicant .. Mr.J.M.Naidu

Counsel for the Respondents .. Mr.D.F.Paul.

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CORAM:

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

J U D G E M E N T

(Oral order as per Hon'ble Shri R.Rangarajan, Member(Admn.))

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1. The applicant while working as Goods Driver in 1984 at Rajahmundry was transferred to Vijayawada in December 1984 and later he was re-transferred from Vijayawada to Karimnagar in 1985. Again he was transferred from Karimnagar to Rajahmundry in January 1986.

2. While he was working in Rajahmundry before transfer to Vijayawada he was occupying a Type-II quarter. But when he was transferred to Vijayawada he has not vacated the quarter and occupied that quarter ^{when} he came back to Rajahmundry in January 1986. It is stated that the penal rent was recovered from him for the period when he was away from Rajahmundry ~~as penal rent~~ as he has to vacate the quarter ^{on transfer} ~~at~~ Rajahmundry. Though it is stated that he made application for retention of quarter at Rajahmundry no reply have been reported to have been given to him

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3. The applicant submits that he voluntarily retired on 5.7.90. At that time an amount of Rs.11,123/- was kept back from his DCRG as recovery for the unauthorised occupation of the quarter at Rajahmundry as penal rent applicable at that time.

4. The applicant submits that the penal rent had already been recovered from him which can be verified from the records. The applicant also submits that no notice was given to him prior to withholding of the said amount from DCRG. In a similar case of one ^{Mr} SRI Y.K.Pratapa Rao, was given a different treatment and that treatment was not extended to him. Hence it is a case of discrimination towards the applicant. He had filed number of representations, the last one is at Annexure-10 dt.31.10.94, wherein he had requested the respondent to pay him back the amount of Rs.11,123/- recovered from his DCRG with 15% interest. But it is stated that no reply has been given to him so far in this connection.

5. Aggrieved by the above he has filed this OA for declaration that the withholding of Rs.11,123/- from his DCRG towards the alleged damage rent is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and for a consequential direction to the respondent to release that amount ~~towards withholding~~ with interest at 18% per annum.

6. The question now arises is whether the penal rent had already been recovered from his pay when he worked at Rajahmundry after his re-transfer back to that unit. It is also a point for checking whether the same quarter was allotted to him on his transfer back to Rajahmundry in January 1986. Whether rules have been violated in regard to the recovery made from DCRG like issuing prior notice, etc. As the above are to be decided on the basis of records no adjudication is necessary at this stage. The respondents should reply his letter dated 31.10.94 (A-10) on the

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basis of the material available on record and dispose of his representation. If the ~~ex~~employee wants to see the records, he may be permitted to see the same after fixing a suitable date mutually convenient both to the applicant and to the respondent.

7. In the result, the OA is disposed of at the admission stage itself as follows:-

The respondents should dispose of the representation of the applicant at. 31.10.94(A-10) taking due note of the observations made in this OA as above. If the applicant wants to see the records in this connection he should be permitted to see the records on a date mutually convenient to both the parties.

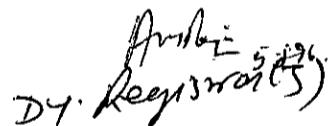
8. No costs.



(R.RANGARAJAN)
Member(Admn.)

Dated: 30th July, 1996

(Dictated in Open Court)


Ambe 5/7/96
Dy. Registrar

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TYPING

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI RANGARAJAN: M(A)

DATED:

30/7/96

ORDER/JUDGEMENT

D.A. NO./R.A./C.P. NO.

D.A. NO.

196/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLR

II COURT

No spare copy

सेन्ट्रल प्रशासनिक विधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH

- 9 AUG 1996

हैदराबाद न्यायालय
HYDERABAD BENCH