

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 682 of 1996

DATE OF JUDGMENT: 15.7.96

BETWEEN:

T.MERCY

.. Applicant

The Senior Divisional Accounts Officer,,
Hyderabad (MG) Division,
South Central Railway,
Secunderabad. .. Respondent

COUNSEL FOR THE APPLICANT: Shri K.SUDHAKAR REDDY

COUNSEL FOR THE RESPONDENT: SHRI N.R.DEVARAJ, Sr.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE)

JUDGEMENT

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE))

Heard Shri K.Sudhakar Reddy, learned counsel for the applicant and Shri N.R.Devaraj, learned senior standing counsel for the respondents.

2. This OA is filed praying for declaration that the deduction of Rs.18,615/- towards damage rent from the final settlement of the applicant is illegal, arbitrary and for consequential direction to refund that amount.

3. The applicant filed O.A.No.293/90 on the file of this Bench. It is stated that an interim order was given in that OA on 5.4.90. The interim order was given at page 4 of the OA is extracted below:

order dated 5.4.90 was given as

"Admit. By way of interim directions the Respondents are directed to allow the applicant to continue in the quarters now occupied or to allot a quarter to which she is entitled under the rules. In the event of the applicant failing in this case, she would be liable to pay the penal rent leviable as per rules. Post after six weeks".

However, that OA was dismissed by the order dated 14.9.1993 (Annexure A-IV). In this order there is no mention of recovery for the period when the applicant stayed in the officers' quarters named above for the period from 5.4.90 to 31.8.90 when the applicant vacated the said quarters in terms of the interim order. In such a situation, the applicant could have filed an M.A. in OA No.293/90 asking for clarification as to how the said period from 5.4.90 to 31.8.90 has to be treated as the interim order was given to occupy that quarter till alternative arrangements were made to provide the applicant with the quarter.

4. The applicant filed another O.A.NO.339/95 when an amount of Rs.18,615/- was sought to be recovered from the final settlement of the applicant for having overstayed in the Type IV quarters. In the judgement in this OA there is no mention in regard to the previous OA 293/90. Hence it has to be held that the present OA is not maintainable



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as the relief sought in this OA is to be treated as a clarification in OA 293/90. The learned standing counsel for the respondents rightly submitted that this OA is not maintainable as the relief in this OA can be given in a clarification to the judgment in OA 293/90 and hence the applicant may submit an M.A. asking for clarification in the judgement in OA 293/90 and this OA has to be dismissed as not maintainable.

5. I see reason in the contention for the respondents. Hence this OA may have to be dismissed as not maintainable subject to the condition that the applicant may file an M.A., if so advised, for the required clarification in OA 293/90 in regard to the quantum of rent to be paid for the period from 5.4.90 to 10.7.90.

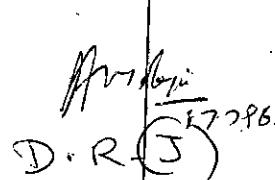
6. In the result, the OA is dismissed as not maintainable, at the admission stage itself. But this dismissal will not stand in the way of the applicant to file an M.A, if so advised, in OA 293/90 asking for clarification in regard to the recovery of rental charges for the period from 5.4.90 to 10.7.90 when she was in occupation of the Type IV officers' quarter.

No costs.



(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: - 15th July, - 1996
Open court dictation



17/7/96
D. R. J.

vsn

contd--

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O.A. No. 682/96

Copy to:

1. The Senior Divisional Accounts Officer,
Hyderabad (MG) Division,
South Central Railway,
Secunderabad.
2. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT, Hyderabad.
3. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
4. One copy to Library, CAT, Hyderabad.
5. One duplicate copy.

YLKR

OA 682/96
Typing 26/7/96

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 15.7.96

ORDER/JUDGEMENT

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

in:

D.A. NO. 682/96

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 Space Copy

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

प्रेषण/DESPATCH

25 JUL 1996 NRP

हृतिकार्य व्याख्यात
HYDERABAD BENCH