

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABADBENCH  
AT HYDERABAD

OA.893/99

dt.14-2-2000

Between

M. Sugana Kumari

: Applicant

and

1. General Manager  
(reptg. Union of India)  
SC Railway, Railnilayam  
Secunderabad 500071

2. Chief Personnel Officer  
SC Rly., Railnilayam  
Secunderabad

3. Divnl. Rly., Manager  
SC Rly., Vijayawada Divn.  
Vijayawada

: Respondents

Counsel for the applicant

: S. Ramakrishna Rao  
Advocate

Counsel for the respondents

: J.R. Gopal rao  
SC for Railways

Coram

Hon. Mr. B.S. Jai Parameshwar, Member (judl.)

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## Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, Member(Judl))

Heard Mr. S. Ramakrishna Rao, learned counsel for the applicant and <sup>Ms Shakithi for</sup> Mr. J.R. Gopal Rao, learned counsel for the respondents.

1. The applicant herein is working as Safaiwala under the Health Inspector, Tenali. She was provided Railway Quarters No. 212/B/Tenali <sup>for</sup> her occupation.
2. It appears that in the meanwhile herself and one A Subba Rao, who was also allotted quarters No. 183/C/Tenali <sup>exchanged quarters</sup> subject to approval of the competent authorities but no competent authority had approved their exchange of quarters between the applicant and ~~the~~ Mr. Subba Rao.
3. During the vigilance check, the unauthorised exchange of the quarters by the applicant and Mr. Subba Rao came to light. It appears that the applicant herein gave a statement admitting to have exchanged the quarters with the quarter allotted to Mr. A. Subba Rao on the ground of convenience to Mr. Subba Rao. In the rejoinder she submits that immediately after the vigilance check she shifted herself to the quarters allotted to her and she has been residing in the quarters No. 212/B/Tenali.
4. However, the Senior Divisional Personnel Officer, Vijayawada, by his order dated 11-6-1996 (Annex.8 to the reply) cancelled the quarters allotted to the applicant as well as to Mr. Subba Rao.
5. As the applicant <sup>has</sup> had not vacated the quarters the respondent authorities are attempting to recover damage rent of Rs. 1146 p.m.

*[Signature]*

6. Being aggrieved the applicant has filed this OA for the following reliefs :

a. To set aside the impugned order No.P/MD/50/DPG/BZA dated 25-3-1999 recovering the damage rent of Rs.1100/- p.m. from July 1997 onwards on fictitious allegations without notice to the applicant and without proper enquiry in the allegations, declaring the same as arbitrary, illegal, un-warranted and in violation of Articles 14 and 16 of the Constitution of India,

b. to direct the respondents to refund the damage rent recovered from the applicant at Rs.1100/- p.m. with effect from July, 1997 till date.

7. The respondents have filed reply.

8. It is not in dispute that the applicant was allotted quarters No.212/B/Tenali. A. Subba Rao was allotted quarter No.183/C/Tenali. A. Subba Rao belongs to Engineering Department whereas the applicant belongs to Health Department. It is the submission of the respondents that officials of two different departments cannot exchange quarters without permission of the competent authority.

9. The applicant is a low paid employee. She is working as Safaiwala. May be with a view to help A. Subba Rao, she committed the mistake<sup>k</sup> in exchanging quarters. *She has repented now.*

9. The learned counsel for the applicant submits that the applicant will vacate the quarter No.212/B/Tenali to avoid payment of <sup>damage rent</sup> ~~penalty~~ and submit a fresh application for allotment of quarters for her occupation. Having regard to the fact that the applicant was appointed on compassionate grounds and is a low paid employee, the respondents authorities may consider her representation for allotment of fresh quarters


in accordance with rules on out of turn basis, because the applicant had repeated for her mistake.

11. Hence, the following directions are given :

a. The applicant shall vacate the quarter bearing No. 212/B/Tenali within one month from the date of receipt of copy of this order.

b. If she vacates within <sup>the</sup> time stipulated above and submits a representation for allotment of quarters for her occupation then the competent authority shall consider <sup>for allotment of a quarters</sup> her case on out of turn basis and allot her a fresh <sup>quarters</sup> subject to availability <sup>said</sup> in the category.

12. With the above directions the OA is disposed of. No order as to costs.

  
(B.S. Jai Parameshwar)  
Member (Judl.)  
14.2.2000

Dated : 14th February, 2000  
Dictated in Open Court

*Truely*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

COPY TO:

1. HDHND
2. HARN M (ADMN.)
3. HBSJP M (JUDL.)
4. D.R. A(DMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY  
COMPOSED BY

CHECKED BY  
APPROVED BY

THE HON'BLE MR. JUSTICE D.H. NASIR  
VICE CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN  
MEMBER (ADMN.)

THE HON'BLE MR. B.S. JAI PARAMESWAR  
MEMBER (JUDL.)

\* \* \*

DATE OF ORDER: 14/6/00

MA/RA/CP.NO.

IN

OA. NO. 893/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

CP CLOSED

RA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

8 copies

