

J A I P U R .

O.A. No. 309/93

Date of decision: 6.4.94

PANNA LAL

: Applicant.

VERSUS

UNION OF INDIA

: Respondents.

None present on behalf of the applicant.

Mr. V.S. Gurjar

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

The applicant was initially posted at Delhi and thereafter, he was transferred from one place to another place and he is at present working as Senior Administrative Officer, Central Sheep & Wool Research Institute, Avikanagar, Distt. Tonk. The applicant has been retransferred on compassionate grounds to Delhi. However, the order could not be implemented as the other person who was to join in his place could not join at Avikanagar. Order for applicant's transfer was on compassionate ground. Ordinarily, the rules provide for providing accommodation at the place of transfer or new posting. In the instant case, admittedly, the applicant has not been allotted any accommodation either at Avikanagar, or at Junagarh.

2. In such circumstances, particularly, when the re-transfer order has been passed on compassionate ground, vide Annexure A-3, then the question of recovery of the penal rent from the applicant does not arise. The respondents may recall the order, Annexure A-3; may allot the accommodation at the place of his posting or may take appropriate action for arranging the accommodation for the applicant and if the applicant fails to avail the facility of the accommodation provided by the respondents, then the respondents will be at liberty to realise the penal rent from the date on which the arrangement has been made.

As far as the present order realising the penal rent is concerned, it is hereby set aside and the applicant shall be charged only the normal rent.

3. The O.A. stands disposed of, with no order as to costs.


(D.L. MEHTA)
Vice-Chairman