

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 16.03.2016OA No. 291/00173/2016

Mr. S.S. Ola, counsel for applicant.

The matter relates to recovery of damage rent for unauthorized retention of Govt. accommodation.

2. Heard. Counsel for applicant submitted that vide order of this Bench of the Tribunal dated 11.10.2012 (Annex. A/2) in earlier OA No. 524/2010, the respondents were directed to re-consider the case of the applicant for voluntary retirement. Counsel for applicant further submitted that thereafter case of the applicant was considered and he resumed duties in the Railways again on 17.04.2013, as may be seen from Annexure A/4 letter dated 16.09.2014. He resumed his duties at Newai Bansthali Railway Station.

3. Counsel for applicant further submitted that the applicant had submitted application for Voluntary Retirement from Service (VRS) and he vacated the railway quarter allotted to him at Fatehpur Sekhawati Station on 27.10.2010, as may be seen from Annexure A/3 application dated 27.10.2010. However, despite having vacated the Railway quarter allotted to him, the respondents issued letters dated 16.9.2014 (Ann.A/4) and 09.10.2014 (Ann.A/5) which he has challenged in a separate OA registered as OA No.291/00623/2014 and Dasti notices have been issued as at Ann.A/6 and respondents are appearing in the case. Now, the respondents have issued a Show Cause Notice dated 04.12.2015 (Annex. A/1) for recovering an amount of Rs. 2,67,945/- from applicant towards damage rent from the month of July 2010 to November, 2015 and as such an amount of Rs. 4,122/- has been proposed to be recovered from the month of December 2015 onwards. Counsel for applicant also contended that the applicant submitted his representation within time on 18.12.2015 (Annexure A/7) but the same has not been decided so far but the proposed recovery has been started. In view of this position, counsel for applicant prayed that proposed recovery pursuant to Annexure A/1 show cause notice dated 04.12.2015 may be stayed during the pendency of the OA or the respondents may be given direction to decide the pending representation of the applicant dated 18.12.2015 (Annexure A/7) and till the decision on the said representation, the

proposed recovery pursuant to Annexure A/1 may be stayed. Counsel for applicant also submitted that the applicant may be permitted to file a further detailed representation in response to the Show Cause Notice dated 04.12.2015 (Annex. A/1).

4. Considered the aforesaid contentions and perused the record. It appears that the representation of the applicant dated 18.12.2015 (Annexure A/7) in response to Show Cause Notice dated 04.12.2015 (Annex. A/1) has not been decided by the respondents so far but, as submitted by the counsel for applicant, proposed recovery has been initiated. In view of the above position, and without going into the merits of the case, lest it prejudice the case of either side, I deem it appropriate to dispose of this OA with the certain directions, at the admission stage itself. The respondents are directed to consider and decide the pending representation of the applicant dated 18.12.2015 (Annexure A/7) submitted before respondent No. 3 within a period of two months from the date of receipt of a copy of this order and if the applicant files any fresh representation giving all details regarding the show cause notice, within a week from today before the respondent no. 3, the same shall also be considered and decided along with the pending representation (Annexure A/7). Till the decision, further recovery as proposed pursuant to Annexure A/1 show cause notice dated 04.12.2015 shall remain stayed.

5. In view of the limited relief being granted, the requirement of issuing notices to the respondents is dispensed with.

The O.A. is thus disposed of as above.


(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER

Kumawat

Received extra sets.
S.b.
5.5.2016
17/3/2016