

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.233/99

Date of order: 14/12/2007

Ajab Singh, S/o Sh.Bhav Singh, R/o Care of  
R.K.Sharma, Green Park, Gudha Katla Road, Bandikui.

...Applicant.

Vs.

1. Union of India through the General Manager, W.Rly,  
Churchgate, Mumbai.
2. The Sr. Divisional Rly.Manager, W.Rly, Jaipur.

...Respondents.

Mr.Vinod Goyal, Proxy of Mr.Virendra Lodha, for applicant

Mr.S.S.Hasan : for respondents.


CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member.

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer to declare the action of the respondents with-holding the amount of DCRG towards the panel rent is arbitrary, illegal unreasonable and contrary to rules and to direct the respondents to release the entire amount of DCRG so with-held with interest.

2. Facts of the case as stated by the applicant are that while posted at Bandikui, the applicant was allotted Railway quarter No.L248. He was transferred to Phulera vide order dated 3.1.94 but in this order of transfer a condition was appended that those who have occupied Rly.quarter shall remained in it on normal rent. It is stated that the applicant was relieved on 5.2.95 in pursuance of the order dated 3.1.94 for Phulera. But the applicant was transferred to Mathura vide order dated 17.4.95 and he joined at Mathura on 9.5.95. It is further stated that the applicant was

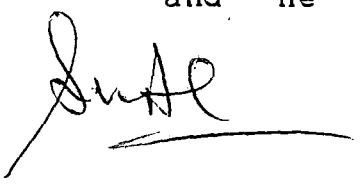


transferred from Mathura to Jaipur vide order dated 20.9.96. The applicant retired on superannuation on 31.7.96. The case of the applicant that gratuity payable to him was with-held as applicant retained the Rly. quarter from 21.9.96 to 31.8.97 and panel rent of Rs.67853/- was determined for the period. It is stated that with-holding of Rs.67853/- from the gratuity payable to the applicant is illegal, arbitrary, unreasonable and contrary to rules. Therefore, the applicant filed this O.A for the relief as above.

3. Reply was filed. It is stated in the reply that vide order dated 3.1.94, the applicant was transferred from Bandi Kui to Phulera, which was only a temporary transfer for 180 days and for this period employee who were having in their possession a residential quarter at Bandi Kui were allowed to retain the same at normal rent. It is stated that thereafter, the applicant was transferred to Mathura at his own request vide order dated 17.4.95 hence claim of the applicant, after his transfer to Mathura at his own request, to retain the quarter at normal rent is not tenable and the applicant is not entitled to retain the quarter at BankiKui. As the applicant has not vacated the quarter at Bandi Kui as such the penal rent from 1.10.96 to 31.8.97 of Rs.65,373/- was charged and recovered from the DCRG payable to the applicant. Hence, there is no illegality or arbitrariness in deducting the amount of panel rent from his DCRG. Therefore, the applicant has no case.

4. Heard the learned counsel for the parties and also perused the whole record.

5. It is an admitted fact that the applicant was allotted Railway quarter No.L248 while posted at Bandi Kui and he vacated the same on 31.8.97, after his

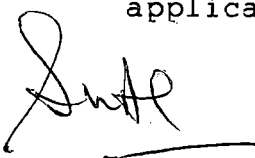


superannuation. It is also an admitted fact that the applicant retired from service on 31.7.97. It is also an undisputed fact that the applicant was transferred from Bandi Kui to Phulera which is a temporary transfer for 180 days only, therefore, the applicant was allowed to retain the Railway quarter at Bandi Kui at normal rent. It is also evident that the applicant was transferred at his own request to Mathura and from Mathura to Jaipur on promotion on the post of Passenger Driver vide order dated 13.9.96. The respondents' department charged penal rent from the applicant w.e.f. 1.10.96 to 31.8.97. Before this period, the department had allowed the applicant to retain the Railway quarter, therefore, after 30.9.96, the retention of Railway quarter at Bandikui by the applicant became unauthorised and he is liable to pay penal rent, as per rules which the department has charged from the applicant.

7. As per the additional affidavit filed by the respondents' department, the penal rent chargeable from the applicant is as under:

Plinth area .. 218.60 Sq.Mtr @ Rs.28/- per Sq.Mtr for 11 month is Rs.67,329/-. The amount already deducted from the applicant is Rs.1956/-. The remaining amount to be recovered is Rs.65,373/-. Total DCRG payable to the applicant is Rs.81,168/-. Amount of DCRG already paid to the applicant is Rs.13315/-. After recovering penal rent from DCRG, the balance amount to be paid to the applicant is Rs.15795/- out of which an amount of Rs.13315/- has already been paid. Hence difference of DCRG to be paid to the applicant is Rs.2480/-.

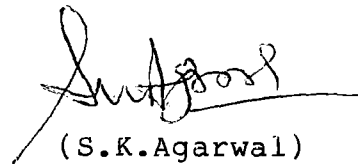
8. Therefore, even after adjustment of penal rent, the applicant is entitled to receive a difference amount of



Rs.2480/- with interest @ 12% per annum w.e.f. 1.11.97 till the date of payment.

9. I, therefore, allow this O.A to the extent that the respondents shall pay to the applicant the balance amount of DCRG Rs.2480/- after adjusting the penal rent with interest at the rate of 12% per annum w.e.f. 1.11.97 till the date of payment.

10. No order as to costs.



(S.K.Agarwal)

Member (J).