

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 11/1/2002

OA No.235/2001

1. Heta s/o Shri Pati Ram r/o Village and Post Jhoratha, Distt. Agra at present employed on the post of Gangman, under PWI Idgah, Kota Division, Western Railway.
2. Sampat s/o Shri Amolika r/o Village and Post Jhoratha, Distt. Agra, at present employed on the post of Gangman under PWI Idgah, Kota Division, Western Railway.

..Applicants

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Kota Division, Kota.
3. Section Engineer (PW), Idgah, Western Railway, Idgah, Agra.

.. Respondents

Mr. C.B.Sharma, counsel for the applicants

Mr.T.P.Sharma, counsel for the respondents

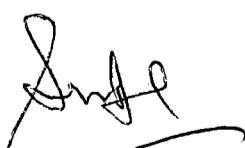
CORAM:

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

ORDER

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

In this Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the relief sought by the applicants is to quash the impugned order dated 30.8.2000 (Ann.A1) and to direct the



respondents to refund the amount already recovered from the applicants as house rent w.e.f. 24.7.92. Further directions are also sought to pay back the house rent allowance to the applicants w.e.f. 24.7.1992.

2. The facts of the case, as stated by the applicants, are that applicants were allotted quarter situated at Gang No.17 near Rawli on 24.7.92, but the applicants were never given possession of the quarters. It is stated that applicants do not know the quarter number but the respondents continuously deducting house rent and electricity charges from the pay of the applicants. No allotment letter was issued in favour of the applicants. The applicants met the authorities, who assured them to do the needful, but nothing was done. Applicants filed OA No.16/99 before this Tribunal and this Tribunal vide its order dated 10.1.1999 gave directions to the respondents to decide the representation of the applicants. Applicants filed a Contempt Petition but during the pendency of the Contempt Petition the respondents issued order dated 30.8.2000 by which applicants were informed that they have been allotted quarter No. 17/E-H and 17/E-A w.e.f. 8.7.1992. It is stated that after the letter dated 30.8.2000 the applicants found that somebody else are residing in these quarters which were allotted to the applicants. Therefore, applicants filed this OA for the reliefs as above.

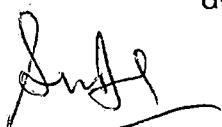
3. Reply was filed. It is stated that both the applicants were allotted quarter No. 17/E-H and 17/E-A vide letter dated 8.7.1992 by the then PWI, Idgah and



possession of these quarters were given to the applicants through the Mate of the Gang No. 17 Shri Buchi-Ram and accordingly recovery of rent is made from the pay of the applicants. It is stated that applicants never made any complaint in this regard. It is also stated that applicants never met the respondents in this matter and no representation dated 5.8.1997 was received by the respondents. It is also stated that order dated 30.8.2000 was issued by the respondents as per the directions of this Tribunal. It is further stated that Quarter No. 17/E-H and 17/E-A were allotted to the applicants vide allotment letter No. Q.2/1 dated 8.7.1992 and possession was also handed over by the then Mate of Gang No.17 to the applicants. It is stated that both the applicants did not receive even the letter dated 30.8.2000 issued by the respondents and it was returned back to the respondents by the Postal Department stating that the applicants are not met at their addresses. Therefore, applicants has no case for interference by this Tribunal and this OA is devoid of any merit is liable to be dismissed.

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

5. On perusal of averments of parties, it is established that vide order No. Q.2/1 dated 8.7.1992, the applicants were allotted Quater No. 17/E-H and 17/E-A and possession of these quarters were handed over to them by the then Mate of Gang No.17 Shri Buchi Ram. The applicants never made a complaint to the fact that house rent is deducted from the salary of the applicants without



*holding*  
allotment and giving possession to the said quarters to the applicants. Therefore, if such a plea is taken after such a long time by filing an OA, it does not help the applicants in any way. The reply filed by the respondents makes it abundantly clear that Quarter No. 17/E-H and 17/E-A were allotted to the applicants vide allotment letter No.Q.2/1 dated 8.7.1992 and possession of these quarters were given to the applicants by the then Mate of Gang No.17 and accordingly house rent has been recovered from the salary of the applicants. No rejoinder to the reply of the respondents has been filed by the applicants in this OA. Therefore, in view of the discussions, as above, I am of the considered opinion that the applicants have no case and they are not entitled to any relief sought for.

6. I, therefore, dismiss this OA having no merits. However, it will be just and proper to direct the respondents to make an enquiry in this matter and if contention of the applicants is tenable, action may be taken accordingly. No order as to costs.



(S.K.AGARWAL)

Judicial Member