

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 164 of 1998

Jabalpur, this the 21st day of August, 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman(Judicial)
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Vishnu Sharan Sharma S/o late
Shri N.D. Sharma, aged about 39
years Occupation - Service presently
posted as Senior Inspector of
Store Accounts, Rail Spring
Kharkhana, Sitholi, Gwalior.

APPLICANT

(By Advocate - Shri Manoj Sharma)

VERSUS

1. Union of India
Through : Its Secretary
Ministry of Railways,
Railway Bhavan, New Delhi.
2. Finance Advisory & Chief
Accounts Officer, Central
Railway, C.S.T., Mumbai.
3. The Divisional Railway Manager,
Central Railway, Habibaganj,
Bhopal.
4. Workshop Accounts Officer,
Rail Spring Kharkhana,
Sitholi, Gwalior.

RESPONDENTS

(By Advocate - Shri S.P. Sinha)

O R D E R (ORAL)

By Anand Kumar Bhatt, Administrative Member -

Shri Vishnu Sharan Sharma ^{is} presently posted as Senior Inspector of Store Accounts in Rail Spring Kharkhana at Sitholi, Gwalior, has by this original Application requested to quash the impugned order dated 03.02.1998 (Annexure A-8), whereby damage rent was to be recovered from him with effect from 24.06.1997 for retention of the residential accommodation un-authorisedly.

2. The facts of the case in brief are that the applicant

was posted at Bhopal till July, 1996. From there he went on temporary duty to Mumbai. Later on he was transferred from Mumbai to Rail Spring Kharkhana, Sitholi via Bhopal vide order dated 11.07.1996. The applicant was relieved from Mumbai office on 21.04.1997 and reached at Bhopal on 22.04.1997. He was relieved from Bhopal on 23.04.1997. After that he joined at Sitholi Rail Spring Kharkhana on 24.04.1997. Because of education of his children he had sought permission to retain the quarter at Bhopal and he was permitted to retain the quarter for two months till 23.06.1997. As per the departmental rules the residential quarter can be retained for a total period of 8 months. He had applied for extension of the quarter beyond 23.06.1997 vide his application dated 16.10.1997 (Annexure A-6). This was not permitted and he was charged damage rent at the rate of Rs. 2099/- per month with effect from 24.06.1997. The applicant claims that he was initially sent from Bhopal to Mumbai on temporary transfer and then to Sitholi, Gwalior. He was sick for long time from July 1996 to April 1997 for which he has submitted application for medical leave which is still pending. The applicant has stated that as per the rules his request for retention of the quarter till December 1997 should have been agreed to and recovery at the rate of Rs. 2099/- per month is very harsh.

3. The respondents have stated that the applicant was given permission for the education session from 24.04.1997 to 23.06.1997 and there was no justification for granting him permission on educational grounds for the next educational session. The applicant had applied for retention of the quarter on account of illness of his wife and

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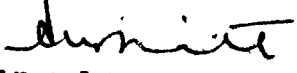
education of his children for a period of 6 months, on 25.06.1997. But he was informed vide letter dated 28.08.1997 that the permission was granted only for 2 months and further retention cannot be allowed. He had made another application on 16.10.1997 for retention till 23.12.1997 but his request was not agreed to as earlier also an application seeking the same prayer was rejected and making of the application on 16.10.1997 was superfluous. The Department has levied the damage rent as per the rules.

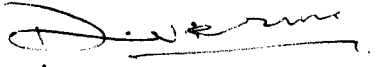
4. We have heard the learned counsel for the parties and have considered the case.

5. The applicant's take home salary for May, 2002 was Rs. 7,451/-. As per the rules permission for retention of Railway quarter to the transferred employee is given for 2 months on normal rent and further six months on double the rental charge on educational grounds. However in this case the applicant has been given permission to retain the accommodation only for 2 months and for the remaining period he has been asked to pay the damage rent. We feel that it would be fair if it is considered to give relief to the applicant for the first ^{in eight months for} instalment which the Railway officials are allowed. Accordingly it is ordered that in addition to the normal rent paid by the applicant till 23.06.1997, he should be charged ^{at double the normal rent or} 10% of his basic ^{emoluments whichever is higher} ~~salary~~ with effect from 24.06.1997 for a period of 6 months. For the balance period from 23.12.1997 he may be charged the damage rent. The total amount may be recovered from him on instalments of Rs. 1,000/- per month from his

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salary, so as not to create any hardship to the applicant.
original Application is disposed of accordingly. No costs.


(Anand Kumar Bhatt)
Administrative Member


(D.C. Verma)
Vice Chairman (Judicial)

"SA"

Tegeach
6/9/03

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि आवेदिता:-

- (1) सहीब, उच्च न्यायालय, जबलपुर
- (2) आदेशक श्री/श्रीमती..... के कार्यालय
- (3) प्रत्यक्षी श्री/श्रीमती..... के कार्यालय
- (4) निदेशक, जिला न्यायालय, जबलपुर

m. Ghanna Adar
S D Singh, Adar


उप सचिव
9.9.03