

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH.

CIRCUIT CAMP AT BILASPUR (CHHATTISGARH)

Original Application No. 315 of 2000

Ar 2415
Bilaspur, this the 23rd day of September, 2003

Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Awadhesh Kumar Shrivastava,
Son of Late Shri A.P. Shrivastava,
Aged about 56 years, Retired Fireman
Instructor, South Eastern Railway,
Loco Shed, Shahdol (M.P.), Resident
of C/o Bhupesh Shrivastava, Gr. No.
188/1, Railway Colony, Shahdol,
District-Shahdol (M.P.).

.... Applicant

(Applicant in person.)

V e r s u s

1. Union of India,
Through : The General Manager,
South Eastern Railway,
Garden Reach, Calcutta (W.B.).
2. Senior Divisional Personnel
Officer, South Eastern Railway,
Bilaspur (M.P.).

.... Respondents

(By Advocate - Shri M.N. Banerjee)

O R D E R

The applicant is aggrieved about the recovery of the penal rent from the retained amount of D.C.R.G.

2. The facts of the case in brief are that the applicant took voluntary retirement on 01.05.1995 after being medically decategorised. He retained the ~~quarter~~ ^{rent} till 24.12.1997, whereas he was officially permitted to stay for a further period of 8 months beyond the date of retirement. He had applied for compassionate appointment for his son. The son was given appointment on 30.01.1997 at Anuppur. He applied for transfer back to Shahdol, where he was ultimately transferred on 14.10.1998. Another quarter was allotted to the son after his transfer to Shahdol. As the applicant retained the quarter beyond the permissible period, damage rent was charged on him.

Contd. 2/-

The applicant's case is that as he applied for compassionate appointment for his son after his voluntary retirement, his retention of quarter was justified.

3. The learned counsel for the respondents on the other hand has stated that compassionate appointment is not a right and the applicant cannot claim any benefit on that account. The son was given compassionate appointment on 30.01.1997 at Annuppur, whereas the applicant retained the quarter at Shahdol. After the permissible period of 8 months damage rent was charged. The quarter was vacated on 24.12.1997 and the D.C.R.G. was paid on 19.05.1998. Therefore there is no delay in the payment of D.C.R.G.
4. I have seen the pleadings on both the sides and ^{and the applicant} has heard the learned counsel for the parties.
5. The ground taken by the applicant that he should ^{not} be charged damage rent as he has applied for compassionate appointment for his son is not convincing. As rightly pointed out by the learned counsel for the respondents, compassionate appointment is not a right and in any case the compassionate appointment was given after the permissible period for retention of the Railway Quarter for 8 months and that also not at the place where the applicant was retaining the quarter. After the son was transferred back to Shahdol he was allotted another quarter in his ^{own} name. The applicant was allowed to retain the quarter for the maximum permissible period of 8 months and any plea of ignorance of this rule on the part of the applicant cannot be accepted. ^{The} ~~Any~~ balance amount of D.C.R.G. ^{has been} ~~be~~ given back to the applicant within a reasonable time and there is no case for payment of interest to the applicant.

6. In the result the Original Application has no merit and is accordingly, dismissed. No costs.

Anand Kumar Bhatt

(Anand Kumar Bhatt)
Administrative Member

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- (2) ...
- (3) ...
- (4) ...

A. K. Shrivastava, Shahdol.
Mr. Banerji A.C.

Received
7/10/59

Shrivastava
6/10/59