

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.350 of 1998

Jabalpur, this the 30th day of January, 2003.

Hon'ble Mr. R.K. Upadhyaya, Member (Admnv.)

A.M.Das, son of Shri U.N.Das,  
aged about 40 years, R/o C/162-B,  
Upper Line, Jabalpur (M.P.)

-APPLICANT

(By Advocate- Mr. P.R. Bhave)

Versus

1. Union of India through Secretary,  
Ministry of Railways, Rail Bhawan,  
New Delhi.

2. Divisional Railway Manager,  
Central Railway, Jabalpur, M.P.

3. Additional Divisional Railway Manager,  
Central Railway, Jabalpur, M.P.

-RESPONDENTS

(By Advocate- Mr. S.P. Sinha)

O R D E R (ORAL)

This application has been filed challenging the impugned order of recovery of penal rent @ Rs.32/- per sq.mt. with effect from 1.2.1998 as per letter dated 20.4.1998 (Annexure A/1).

2. It is stated that the applicant while posted at Jabalpur was allotted Quarter No.C/162-B, Upper Line, Jabalpur. Because of severe earth-quake on and around 22.5.1997 several quarters including the quarter allotted to the applicant were damaged. Therefore, a notice dated 13.1.1998 (Annexure A/2) was issued to the applicant asking him to vacate the railway quarter and to shift to an alternative accommodation. The learned counsel for the applicant informs that as soon as he could get a suitable

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accommodation for himself, the applicant shifted to private accommodation and vacated the subject quarter some time in April, 1998. It is also informed that after the quarter were fully repaired again shifted sometime in July, 2000. According to the learned counsel, the alternative accommodation, which was offered<sup>as</sup> the applicant was not found suitable and thereafter he did immediately vacate the quarter. There was slight delay in finding of the accommodation.

3. The learned counsel for the respondents invited attention to the reply filed, in which it has been stated that the quarters were extensively damaged, as can be seen from the report dated 17.7.1998 (Annexure R/1). According to him, the repairs of the quarters could not be carried out until the same is vacated. However, since the applicant did not comply with their order, he is liable to pay the damaged rent.

4. Heard the learned counsel of both the parties, and ~~now~~ perused the material available on record carefully. It is noticed that railway <sup>alternative</sup> accommodation allotted to the applicant was not suitable for the period. Therefore, the applicant looked out for some other accommodation, ultimately shifted to private accommodation. In similar circumstances, this Tribunal in the case of M.K. Ahirwar Vs. Union of India in OA No. 198/1998 by order dated 16.7.1999 have held that no damage rent was payable, if the Government accommodation was vacated within one month from the date of receipt of this order. Respectfully following the same order, no penal rent is directed to be recovered from the applicant in respect of the subject property. In this view of the matter, any recovery, if

any, is recovered as damage rent from the applicant, the respondents are directed to refund the same within a period of two months from the date of receipt of this order without interest.

5. In view of the directions as in the preceding paragraph, this application is allowed without any order as to costs.

*Copy to all*

(R.K.Upadhyaya)  
Member (Admnv.)

'MA'

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प्रांगण सं ओ/व्या..... जवलपुर, दि.....  
प्रतिनिधि आपरेटर:-  
(1) शनिव, एडा व्हायरल, एडा व्हायरल, जवलपुर  
(2) आपरेटर एडा व्हायरल  
(3) एडा व्हायरल  
(4) एडा व्हायरल, एडा व्हायरल, जवलपुर  
सूचना एवं आवश्यक कागजानुसार

*PR Bhave, M.A  
SP Sinha, B.A*

*John Stevens  
14/2/03*

*Issued  
on 12.03  
by*