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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.571 of 1998

Jabalpur, this the 4th day of February, 2003.

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

P.K.Das S/o Shri Panchanan Das,
aged 41 years, Ramkrishna Colony,
Jabalpur.

-APPLICANT

(By Advocate- None)

Versus

1. Union of India through
the General Manager,
Central Railway, Mumbai, CST.
2. The Divisional Railway Manager,
Central Railway, Jabalpur.
3. The Divisional Accounts Officer,
Central Railway, Jabalpur.

-RESPONDENTS

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

O R D E R

By R.K.Upadhyaya, Member (Admnv.):

In this application, the applicant has assailed the recovery @ Rs.500/- per month from the pay of the applicant from the month of February, 1998 on account of alleged penal rent of railway quarter.

2. It is stated that the applicant was allotted a railway quarter No.RB-II/289/8 at Jabalpur in 1995. It is further stated that the applicant had surrendered the railway quarter on 16.1.1998. The applicant states that recovery of Rs.500/- was made from him, as found from pay-slip for February, 1998 and on enquiry he was informed that it was towards penal rent. The applicant further states that some Survey Team has visited accommodation allotted to him, when "applicant's brother" was found

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in the quarter. He told his name as 'P.Das' on being asked. The contention of the learned counsel of the applicant that the Survey Team wrongly concluded that 'P.Das' was sub-tenant. According to the applicant, the person from whom enquiry was made did not understand Hindi. Therefore, the Survey Team wrongly reported the facts to the respondents that the quarter having been subjected to sub-tenancy by the applicant. It is also stated that the members of the family of the applicant were not found, because the wife and both sons of the applicant had gone to school and the applicant was in the office. It is stated that the applicant made a representation in the month of March, 1998 and thereafter some enquiry by Personnel Inspector was made. The applicant states that the enquiry made by one Shri A.N.Verma, Personnel Inspector concluded that the applicant did not sub-let the railway quarter to anybody. On these facts, the applicant has claimed refund of Rs.2,500/- recovered till June, 1998, in spite of fact that he has already vacated the accommodation. This Tribunal by order dated 30.7.1998 had directed that no further recovery be made by the department.

3. The respondents in their reply have stated that there were several complaints from the recognised unions as well as employees that certain railway quarters were being sub-let by the allottees. Therefore, Survey Committees were formed comprising of Inspector of Works, Personnel Inspector, Representatives of recognised Union and members of Railway Protection Force. These Survey Teams physically verified the factual position of these railway quarters. Accordingly, the applicant was issued a notice dated 19.3.1997 informing him about the

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cancellation of allotment and recovery of penal/damage rent. The applicant failed to vacate the quarter, hence recovery of damage rent was justified. According to the respondents, no damage rent is being charged in respect of period after vacation of the quarter. The applicant was also directed to submit documentary evidence like ration card, voter list, LPG connection, postal letter etc. to establish that he was actually staying in that quarter allotted to him, but no such document has been produced in spite of opportunities given to him.

4. At the time of hearing on 29.1.2003, none appeared on behalf of the applicant. Therefore, the case was reserved for orders after hearing the learned counsel for the respondents under Rules 15(1) of the C.A.T. (Procedure) Rules, 1987. The respondents have made a recovery of Rs.2,500/- till June, 1998, even though the subject quarter was vacated on 16.8.1998. The respondents have not been able to place on record as to the period for which penal rent has been proposed to be charged from the applicant. Even though notice was issued on 19.3.1997, but enquiry was made on 6.4.1998. Subsequently, the letter dated 23.10.98 was issued for asking documentary evidence. In absence of complete details furnished by the respondents, it is difficult to come to final conclusion in this case. Even basic material like date of visit of Survey Team has also not been furnished. On the peculiar facts of this case, it is desirable that no penal rent is charged from the applicant for several reasons. There is/definite order placed for taking the period for which the applicant is supposed to pay penal rent. The applicant has also vacated the subject quarter on 16.1.1998. There is also an averment by the applicant that Personnel Inspector Shri A.N.

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Verma has given a report that the subject quarter was not sub-let. Therefore, the respondents are directed to refund the penal rent of Rs.2,500/- already recovered within a period of two months from the date of receipt of this order without any interest thereon.

5. In the result, this application is allowed without any order as to costs.

R.K. Upadhyaya

(R.K. Upadhyaya)
Member (Adminv.)

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पूरांकन सं ओ/न्या.....जबलपुर, दि.....
प्रतिनिधि अवे धित :-

- (1) सचिव, जिला न्यायालय, जबलपुर
(2) ~~सचिव, जिला न्यायालय, जबलपुर~~ *P. K. Ram (Actg)*
(3) ~~सचिव, जिला न्यायालय, जबलपुर~~ *S. P. Sinha (Actg)*
(4) ~~सचिव, जिला न्यायालय, जबलपुर~~
सूचना एवं आवश्यक कार्यवाही हेतु

Truagla
उप सचिव 5/2/03

Issued
on 5.2.03
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