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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. NO. 727/1998

Kanchan Singh Garg, aged about 42 years, S/o. Shri Bhagwan Singh Garg, Office Supdt. II, Resident of Railway Quarter RB II 292/C (TEMP) near, Railway Hstet, Upper-line, Jabalpur (M.P.).

... Applicant

V e r s u s

Union of India, Through,

1. The General Manager, Central Railway, Mumbai CST (Maharashtra).
2. The Divisional Railway Manager, Central Railway, Jabalpur, (M.P.) Pin - 482 001.

... Respondents

Counsel :

Shri L.S. Rajput for the applicant.
Shri S.P. Sinha for the respondents.

Coram :

Hon'ble Shri R.K. Upadhyaya -- Member (Admnv.).

O R D E R (Oral)
(Passed on this the 30th day of January 2003)

This Original Application has been filed seeking direction to quash the notice dated 07/09/1998 (Annexure A-1) asking the applicant to vacate the Railway Quarter No. RBII/292/6, which was stated to be damaged on account of Earthquake.

2. The learned counsel for the applicant informed that the impugned notice was in respect of wrong quarter. The applicant was allotted Quarter No. RB II/292/C, Jabalpur in which he was staying. Therefore the impugned notice in respect of another quarter deserves to be quashed. The learned counsel further stated that since the applicant was allotted alternative accommodation bearing No. H 216 D at

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Jabalpur by order dated 06/11/1998, he vacated the quarter which was occupied by him on 20/12/1998. In the circumstances there is no question of charging any damage rent in this case.

3. The learned counsel of the respondents relied on the reply filed in which it has been stated that on account of Earthquake the Railway/quarter allotted to the applicant was also damaged and the applicant was asked to vacate the quarter so that the same could be repaired. The applicant was given alternative accommodation also.

4. After hearing the learned counsels of both the parties and after perusal of the record, it is noticed that the applicant has vacated the quarter No. RBII/292/C on 20/12/1998 when he was asked to vacate the same and an alternative accommodation in H 216 D at Jabalpur was made available to him. On the facts of this case the charge of any damage rent does not arise. The impugned notice in respect of vacation of the quarter allotted to the applicant deserves to be quashed.

5. In the result this Original Application is allowed, without any order as to cost.

(Signature)
(R.K. UPADHYAYA)
MEMBER (A)

Issued
4.2.03
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परिचयिका.....

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L.S. Chatterjee Rajput Adm
SP Singh B.A.

(Signature)