

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. NO. 779/1998

Ghanshyam Dutta Sharma, S/o.
Late Shri Shambhu Dutta Sharma,
aged about 57 years, Office
Supdtt. II, Dy. CE(C)'s office,
Central Railway, Jabalpur, resident
of Rly, quarter RB II 292/D, Upper
Line, Jabalpur (M.P.).

... Applicant

Versus

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.
3. The Deputy Chief Engineer,
(Construction), Central
Railway, DRM's Office Campus,
Jabalpur (M.P.) 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)

The applicant is aggrieved by impugned notice dated 07/09/1998 (Annexure A-1) by which he has been asked to vacate the Railway Quarter No. RB II 292/D for repairing being damaged on account of Earthquake. The learned counsel of the applicant stated that this quarter was allotted to the applicant while he was posted at Jabalpur in which he was staying. However as soon as the applicant was informed that the same was required for repairing, he vacated the same on 18/01/1999 and shifted

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to the alternative accommodation bearing No. H/216/C provided to him by the respondents.

2. The learned counsel for the respondents states that on account of severe Earthquake at Jabalpur in the month of May 1997, several quarters were badly damaged and they were required to be repaired. For this purpose a general circular dated 05/08/1998 (Annexure A-4) was issued in which it was stated that alternative accommodation was being given to the persons named therein including the applicant. The learned counsel informed that since the applicant did not shift to the alternative accommodation, he is required to pay damage rent.

3. After hearing the learned counsel of both the parties and after perusal of the records it is noticed that the applicant had vacated the quarter No. RB II 292/D in quarter No. H/216/C and also has shifted to the alternative accommodation/ finally given by order dated 06/11/1998. There might have been a slight delay in vacating, but this Tribunal in the similar circumstances in the case of M.K. Ahirwar Versus Union of India and others in OA No. 198/1998 held that no penal rent was to be charged in respect of the cases where the accommodation was to be vacated even after receipt of copy of the order of this Tribunal dated 16/07/1999. In the present case, the subject quarter has already been vacated in the month of January 1999. Since the facts are similar and the applicant has vacated the subject quarter much before than that in the case of M.K. Ahirwar in OA No. 198/98, it is considered that no penal rent should be charged in this case.

Umeshwar

4. In view of the reasons given in the preceding paragraph this original Application is allowed, without any

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order as to cost.

R. K. Upadhyaya

(R.K. UPADHYAYA)
MEMBER (A)

पूलोकन से ओ/न्या.....लखलपुर, वि.....
प्रदेशिकी प्राचीन विभाग
(1) सदिक चत्तर जात्रा विभाग, लखलपुर
(2) आखल श्री/महाराजा विभाग, लखलपुर
(3) भ्राता श्री/महाराजा विभाग, लखलपुर
(4) वंशमता, अंतर्राजीका विभाग, लखलपुर
सूचना एवं आवश्यक कागदानि देने
L.S. Rayatach
S.P. Srinivas
T. S. Ganesan
उपराजिकार 51263

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