

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 24th day of May, 2011

ORIGINAL APPLICATION NO. 188/2009
WITH
MISC. APPLICATION NO. 128/2009

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER

Son Pal Singh son of Shri Raghuraj Singh jl, aged about 57 years, by caste Rajput, resident of Panchmukhi Mahadev Mandir, Rangpur Road, Baput colony, Kota Junction, Kota. Presently posted as Technician Grade II, Office of the SSE, TLRAC, West Central Railway, Kota.

.....Applicant

(By Advocate: Mr. Rajvir Sharma)

VERSUS

1. Union of India through its General Manager, West Central Railways, Jabalpur (M.P.).
2. Divisional Railway Manager, West Central Railway, Kota.
3. Section Engineer (Works), Northern Railway, Queens Road, New Delhi.

.....Respondents

(By Advocate: Mr. Hawa Singh)

ORDER (ORAL)

The short controversy involved in this OA is that the applicant was posted at Delhi in the year 1990, he was allotted a Railway Quarter No. EL 54 B. In December, 2003, he was transferred from Delhi to Kota but the quarter occupied by the applicant was not vacated at that time, the same was vacated in May, 2006. Thus the respondents have determined the penal rent of this period by considering the plinth area of the quarter as 90.29 Sq. meters and the rent was determined as Rs.293/- per month vide order dated 31.05.2006. The applicant before preferring this OA has also filed



representations dated 20.02.2007 and 17.09.2007 (Annexure A/3 & A/4 respectively) and thereafter sent Notices of Demand of Justice dated 08.012.2008 and 17.01.2009 (Annexure A/5 & A/6 respectively) but of no avail.

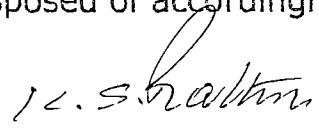
2. Learned counsel for the respondents submitted that the notice of demand of justice dated 08.12.2008 and 17.01.2009 (Annexure A/5 and A/6 respectively) have not been received by them.

3. I have heard the rival submissions of the respective parties and have gone through the material placed on record. Without going into merit of the case, I deemed it proper to direct the applicant to file a fresh representation within a period of 15 days from today. In case the representation is filed by the applicant within the aforesaid period, in that eventuality, the respondents are directed to dispose of the representation of the applicant within a period of three months from the date of receipt of the representation. Till the disposal of the representation, the respondents are restrained to recover any amount from the applicant. After passing of the speaking order, this Interim order shall stand vacated. In case any prejudicial order is passed, the applicant is at liberty to approach this Tribunal again by filing substantive OA. Since this Tribunal has not dispose of the matter on merit, the respondents are also at liberty to take all permissible objections in case applicant files a fresh OA.

4. With these observations, the OA shall stands disposed of with no order as to costs.



5. In view of the order passed in the OA, no order is required to be passed in MA No. 128/2009, which is too disposed of accordingly.



(JUSTICE K.S. RATHORE)
MEMBER (J)

AHQ