

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 29th day of March, 2011

Original Application No.385/2010

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Kaushal Kishore
s/o Shri Itwari Lal
r/o Q.No.125/E, Type-V,
Railway Officers Colony,
Kota and presently joined as
Senior Administrative Grade (IRSE),
West Central Zone,
West Central Railway,
Jabalpur on transfer from the post of
Additional Divisional Railway Manager,
Kota Division, Kota.

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. The Union of India
through the General Manager,
West Central Railway,
Jabalpur
2. Divisional Railway Manager,
West Central Railway,
Kota Division,
Kota.
3. Divisional Railway Manager (Works),
West Central Railway,
Kota Division,
Kota.

.. Respondents

(By Advocate: Shri V.S.Gurjar)

ORDER (ORAL)

By way of this Original Application, the applicant has raised grievance that he may be permitted to occupy the accommodation which he was occupying prior to his transfer instead of occupying another accommodation which has been allotted to him.

2. During the pendency of this Original Application, it is not disputed by the parties that the applicant has vacated the accommodation in question on 8.10.2010. Now the question remains with regard to penal rent for the period from 25.8.2010 to 8.10.2010. So far as this relief is concerned, in my considered view, liberty is given to the applicant to represent to this effect and it is for the respondents to consider his request for waiver of penal rent in accordance with the provisions of law and as per the circulars and the practice adopted by the department. As regards the relief claimed is concerned, the present OA has become infructuous and the same is dismissed as having become infructuous with liberty to the applicant to represent before the respondent for the purpose of penal rent.

3. Accordingly, the OA as well as MA No.247/10 for further interim relief are dismissed. The applicant is directed to make a representation within a period of 15 days and thereafter the respondents shall decide the same within a period of one month. Till disposal of the representation, no recovery with regard to penal



rent shall be effected. The interim relief already granted shall stand vacated.



(JUSTICE K.S.RATHORE)
Judl. Member

R/