

(11)

07-07-2011

OA. 533/2010

Mr. Amit Mathur, Counsel for the applicant.

Mr. Hameer Singh, Counsel for the respondents.

Heard ld. counsel for the parties,

the OA stands disposed of by  
a separate order.

K. S. Rathore  
(Justice K.S. Rathore)  
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

JAIPUR, this the 7<sup>th</sup> day of July, 2011

Original Application No.533/2010

CORAM:

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

Ganga Ram Sharma  
s/o Shri K.L.Sharma, r/o 536/EL/B,  
Railway Colony, Gangapur City,  
District Sawai Madhopur,  
presently working as PGT,  
Railway Senior Secondary School,  
Gangapurcity, Distt. Sawaimadhopur.

.. Applicant

(By Advocate: Shri Amit Mathur)

Versus

1. Union of India  
through the General Manager,  
West Central Railway,  
Jabalpur (MP)
2. Divisional Railway Manager,  
West Central Railway,  
Kota.
3. Senior D.P.O.,  
West Central Railway,  
Kota Division, Kota
4. Chairman of Housing Committee and  
Addl. Engineer, Chairman of Housing  
Committee, Railway Quarter,  
Gangapur City,  
District Sawaimadhopur,

.. Respondents

(By Advocate: Shri Hawa Singh)

O R D E R (ORAL)

The present OA is directed against the order dated 20.10.2010 (Ann.A/2) praying that the same may be quashed and set aside.

2. Brief facts of the case are that the applicant was transferred and posted at Gangapurcity where he applied for allotment of accommodation and he was allotted railway house No.536 on 10.11.2006. After allotment of the house, on 11.11.2006 the Employees Union raised objection about allotment of house to the applicant. Thereafter on 18.11.2006 a letter was issued by the Principal, Railway Senior Secondary School to the applicant asking him to vacate the premise but the accommodation was not vacated.
3. The main contention of the applicant is that the applicant is the sole person entitled for the accommodation as three persons senior than the applicant have refused to take the said house.
4. Per contra, the contention of the respondents is that the applicant was residing in the house unauthorisedly from 11.11.2006 to 8.7.2008 and as per the audit objection, an amount of Rs. 75773/- is to be recovered from the applicant.
5. It is not disputed that subsequently the said railway house was allotted to the Railway Senior Secondary School and the said house was regularly allotted on refusal of three senior persons namely, Shri Asha Ram Srsia, Smt. Edna Rchards and Shri Durgesh Kumar



Gagrani to the applicant on 9.7.2008. The respondents submit that from 9.7.2008 the applicant is having possession over the Govt. house validly as the same has been allotted to him after following due process of law but for the period from 11.11.2006 to 8.7.2008, the applicant was not authorise to occupy the said house, therefore, the amount has rightly been deducted from his salary.

6. I have thoroughly considered the submissions made on behalf of the parties and perused the material available on record and upon careful perusal of the order impugned dated 20.10.2010 it transpires that earlier the house in question was under the Electrical Loco Pool and the same was approved for transfer to School Pool vide order dated 14.12.2006. The case of the applicant for allotment of this accommodation out of turn was sent by the Assistant Divisional Manager to the Additional Divisional Railway Manager, but the same was turned down vide letter dated 23.1.2007. The said accommodation was allotted to the applicant regularly only on 9.7.2008 as per his turn. Thus, it is well established that from 11.11.2006 to 8.7.2008 the applicant was not authorise to occupy the Govt. house as the earlier allotment order dated 10.11.2006 was cancelled on 11.11.2006 and by treating him as unauthorise occupant, in my considered view, the aforesaid amount has rightly been deducted from his salary.

7. In view of the observations made hereinabove, I find no merit in the present OA and no interference whatsoever is called for.



Consequently, the OA being bereft of merit is hereby dismissed with no order as to costs.



(JUSTICE K.S.RATHORE)  
Judl. Member

R/