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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::: GUWAHATI-5.

O.A. NO. 140 of 1994.  
T.A. NO.

DATE OF DECISION 12-3-1997.

Mrs Adapaka Ramanamma Dey

(PETITIONER(S))

Mr H. Rahman

ADVOCATE FOR THE  
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

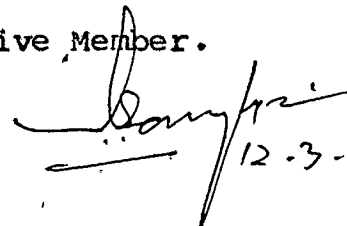
Mr. B.K.Sharma, Railway Advocate

ADVOCATE FOR THE  
RESPONDENT (S)

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER  
THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ? Yes
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ? NO.
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.

  
12-3-97

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 140 of 1994.

Date of Order : This the 12th Day of March, 1997.

Shri G.L.Sanglyine, Administrative Member.

Mrs Adapaka Ramanamma Dey  
Wife of Sri Milan Kumar Dey,  
working as Sr.Clerk in the office  
of the Deputy Chief Mechanical  
Engineer (C & W), N.F.Railway,  
New Bongaigaon.

. . . Applicant

By Advocate Shri H.Rahman.

- versus -

1. Union of India  
represented by the General Manager,  
N.F.Railway, Maligaon,  
Guwahati-11.
  2. The General Manager,  
N.F.Railway, Maligaon,  
Guwahati-11.
  3. Deputy Chief Mechanical Engineer,  
(C & W), N.F.Railway,  
New Bongaigaon.
  4. Chief Vigilance Officer,  
N.F.Railway, Maligaon,  
Guwahati-11.
  5. Production Engineer,  
(C & W) Workshop,  
N.F.Railway, New Bongaigaon.
- . . . Respondents.

By Advocate Shri B.K.Sharma, Railway Counsel.

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER

This application under Section 19 of the Administrative Tribunals Act 1985 has been submitted by the applicant against the Order No.E/M/Adt/Insp/1 dated 3.11.92 by which the Deputy Chief Mechanical Engineer (C&W), N.F.Railway, New Bongaigaon ordered recovery of Rs.28,847/- as penal rent/damage charges for unauthorised occupation of Railway Quarter No.DS/2/1-C, type-II.

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2. The applicant was appointed as a Trainee Clerk in N.F.Railway on 23.4.1984 on compassionate ground consequent to the death of her father, a Railway employee. She was allotted a Railway Quarter No.DS/2/2-D type-II on out of turn basis on compassionate ground on 24.10.85. On 7.1.86 she was allotted another Quarter No.F-257/B type-II on the same ground as above. Again she was allotted a Quarter No.N-178/B type-II on 8.5.86 on the same out of turn basis on compassionate ground. The respondents alleged that the applicant had married one Milan Kumar Dey, Typist, an employee of the Railways who was allotted and occupied another quarter of the Railways in the same station as that of the applicant. The respondents took disciplinary action against the applicant vide Annexure-4 memorandum of charges dated 15.4.1992 for wilfully retaining her quarter No.173/B despite the fact that she had married another Railway employee who occupied a Railway quarter allotted to him in the same station. Apart from this punishment the respondents further directed to recover from her salary a sum of Rs.28,847/- in 60 instalments commencing from the pay bill of November<sup>1992</sup> for unauthorised occupation of quarter No.DS/2/1-C type-II for the period from 13.8.86 to 23.12.91 in compliance of an audit report. The applicant made representation dated 23.12.92 against the recovery order. However, there was no response from the respondents to the representation submitted by the applicant. Hence this application.

3. Notice had been served on the respondents but they have not defended this application by filing written statement and no appearance was entered on their behalf in any of the 17 dates fixed for this O.A. till 5.3.1997

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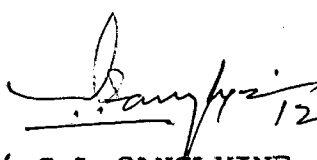
when the learned Railway standing counsel Mr B.K.Sharma appeared. Heard Mr Rahman and Mr B.K.Sharma, learned counsel of the parties concerned. No further opportunity to submit written statement is allowed to the respondents. In the circumstance, the application is disposed of on perusal of the records available before me and after hearing the counsel of both sides.

4. The applicant claims that she was married on 15.11.1991 and had vacated the quarter at the earliest possible on 23.12.1991. The charge against her by the respondents is that she had married the said Dey in July 1986 but she retained the quarter till 23.12.1991. The impugned order mentioned an unauthorised occupation from 13.8.86 to 23.12.91. There is no clarification about the difference of dates. The impugned order further shows that the quarter for which recovery of Rs.28,847/- was directed on the ground of its unauthorised occupation by the applicant is quarter No.DS/2/1-C type-II. The applicant also stated in her representation dated 23.12.92 that this quarter was allotted to her though in para 4(e) of her application she has stated that she has been residing continuously since 8.5.86 in quarter No.N-178/B type-II. On the other hand quarter allotment orders dated 24.10.85 (Annexure-2), dated 7.1.86 (Annexure 2/A) and dated 8.5.86 (Annexure 2/B) do not indicate that any quarter No.DS/2/1-C type-II was allotted to the applicant. Perusal of the impugned order further gives rise to a doubt whether the competent authority of the respondents had simply carried out the audit report while ordering the impugned recovery of Rs.28,847/-. I am not however inclined to issue an

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adverse order against the respondents on account of the reasons mentioned above but I am giving them an opportunity to consider a-fresh the case of recovery of Rs.28,847/- from the applicant. The applicant had submitted representation dated 17.10.92 (Annexure-7) against the order of punishment dated 25.7.92 (Annexure-6). There is no clarification whether this representation was disposed of. Again a representation dated 23.12.92 was submitted by the applicant in which she has agitated among other things against the order to recover the said Rs.28,847/- from her. It is understood that this representation is pending disposal by the respondents. In the circumstances I direct the competent authority of the respondents to issue a final order regarding the recovery of a sum of Rs.28,847/- by disposing of the representation dated 23.12.92 on merit according to the facts and circumstances of the case of the applicant and the relevant rules. Further, he shall issue a speaking order after affording personal hearing to the applicant in the matter of recovery of the said amount. The final order shall be completed as early as possible but not later than 2 months from the date of receipt of copy of this order by respondent No.2, the General Manager, N.F.Railway, Maligaon, Guwahati. The application is disposed of as above and the applicant is at liberty to approach this Tribunal, if she is aggrieved with the order of the competent authority and if she is so advised.

No order as to costs.

  
( G.L.SANGLYINE )  
ADMINISTRATIVE MEMBER