

**CENTRAL ADMINISTRATIVE TRIBUNAL
AMHEDABAD BENCH**

Original Application No.746/2016
Misc. Applications No. 601/2016 & 444/2017
Dated the 22th February, 2018

CORAM :

Hon'ble DR. K. B. SURESH, Member (Judicial)
Hon'ble SH. K.N. SHRIVASTAVA, Member (Admv.)

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Jayantibhai Ishwarbhai aged 51 years, Male, Occupation:Senior Safai Kamdar,
Residing at In Kachha Chapra, Near Mehasana Railway Traffic Colony, Mehasana.
.....Applicant.

[By Mr. S.L.Vaishya, Advocate]

Vs.

- 1) Divisional Railway Manager, Western Railway, Near Chamunda Bridge, Naroda Road, Post Saijpur, Ahmedabad – 382345.
- 2) Deputy Administrative Officer, N.L. Nagda, Near Chamunda Bridge, Naroda Road, Post Saijpur – 382345.
- 3) Divisional General Manager, Western Railway, Churchgate, Mumbai – 400 020.
- 4) Union of India notice to be served through Director General, Post and Telegraph Department, Sansad Bhavan, New Delhi – 110 001.

.....Respondents.

[By Mr. V.K.Singh, Advocate]

O R D E R (ORAL)

Per : Hon'ble Dr. K.B. Suresh, Judicial Member

Heard the learned counsel for the parties and perused the records.

2. The Misc. Application No. 601/2016 for condonation of delay in filing the O.A. is accepted for the reasons mentioned therein.
3. As regards the M.A. No. 444/2017 filed by the Counsel for applicant to cure the typographical error in name and address of respondent No. 4 in the Cause Title i.e. Union of India through Director General, Post and Telegraph is concerned, the same is allowed because this matter pertains to Railway Department. The M.A. No.

444/2017 is, therefore, allowed and Union of India through Railway Board, Sansad Marg, New Delhi-110 001 is allowed to be arrayed as respondent No. 4. The learned counsel is directed to file amended cause title today itself.

4. The matter is in a very short compass. Apparently, the applicant while working at Mehasana was transferred to Ahmedabad on 29.4.1997. He though posted at Ahmedabad, did not vacate the Government quarter at Mehasana and continued to stay there till 15.9.2012 when he vacated it. The case of the applicant is that even though he had not been allotted a quarter at Ahmedabad, normal rent at Mehasana and Ahmedabad was also charged from him, obviously the respondents cannot do so, if they have not given a quarter to the applicant at Ahmedabad, they cannot charge rent for Ahmedabad quarter from him. But at the same time, after three months' period from 29.04.1997 they had a right to charge penal rent or the market rent, as the case may be, for the Mehasana quarter till 15.09.2012 when admittedly the applicant vacated the Government quarter. This respondents may now recalculate and subtract from the amount which he had paid for the Ahmedabad quarter even though he was not occupying Ahmedabad quarter and, may be readjusted and recalculated and, a Due and Drawn Statement will be issued to him within a month from the date of receipt of a copy of this order. He will be heard on the quantum and thereafter this amount can also be realised from him, as the case may be.

5. In view of above, the O.A. stands disposed off with no order as to costs. The Registry is directed to give a copy of this order only after filing Amended Cause Title in view of the submissions made in para 3 above.

(K.N.Shrivastava)
Member (A)

(Dr.K.B.Suresh)
Member (J)

