

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 2787/2015

New Delhi this the 11th day of May, 2017

HON'BLE MR. P.K. BASU, MEMBER (A)

O.P. Nagpal,
Aged 45 years,
S/o Shri Jeewan Dass,
Working as SSE(W) at
Northern Railway Station, Sonipat.
R/o E-52, Railway Colony,
Sonipat.

.. Applicant

(By Advocate : Shri Yogesh Sharma)

Versus

1. Union of India,
Through General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Delhi Division,
State Entry Road,
New Delhi.
3. The Senior DEN-I,
Northern Railway, Delhi Division,
State Entry Road,
New Delhi.
4. Assistant Divisional Engineer,
Northern Railway, Panipat.

.. Respondents

(By Advocate : Shri S.M. Arif)

ORDER (ORAL)

The applicant was transferred from Northern Railway Station, Panipat to Northern Railway Station, Karnal w.e.f. 25.04.2013 and further transferred from Karnal to Sonipat w.e.f. 28.04.2014. At Panipat, the applicant was allotted Railway Quarter No.E-10. He requested for retention of that quarter as he could not shift his family to the new quarter No.52 allotted to him at Sonipat, as quarter No.E-52 required repair. The applicant's claim is that since the quarter No.E-52 could be repaired only on 30.04.2015, the applicant could shift from Panipat to Sonipat and vacate the quarter No.E-10 at Panipat on 09.05.2015.

2. Per contra, the respondents' stand is that quarter at Sonipat was completely repaired by 15.09.2014 and, hence, charged penal rent from the applicant for the period from 15.09.2014 to 09.05.2015, the date he finally vacated the Panipat's quarter.

3. At Annexure A/2 the applicant has filed copy of his letter dated 20.05.2015 addressed to the authorities stating that the quarter No.E-52 at Sonipat could be finally repaired on 08.05.2015 and, therefore, prayed for charge of normal rent between 16.09.2014 to 09.05.2015. The applicant has also placed at

Annexure A/4 letter dated 27.10.2014 addressed by the applicant to the Electricity Division stating that electrical wiring has not yet been completed. This was followed by another letter dated 20.03.2015 (Annexure A/5) with the same request.

4. Learned counsel for the respondents pointed out to Annexure A/3 letter dated 18.08.2014, which is a letter by the applicant for retention permission for Railway Quarter No.E-10 at Panipat. This letter states that quarter at Sonipat will be repaired upto 15.09.2014 for occupation. It is further stated that in his application (Annexure A/7), the applicant himself sought permission for retention of quarter at Panipat upto 30.09.2014.

5. Heard the learned counsel for both sides and perused the various orders.

6. The whole controversy revolves around when the quarter No.E-52 at Sonipat was finally repaired. Whereas the applicant submits that it was finally repaired on 08.05.2015, the respondents' claim is that it was finally repaired on 15.09.2014. From the letters dated 27.10.2014 and 20.03.2015, it appears that even on those dates, the quarter had not been repaired and, therefore, the stand of the respondents that the quarter was ready by 15.09.2014 is not

substantiated. In any case, in view of this, it will be unfair to accept that official would move into the Govt. quarter which does not have proper electricity and, therefore, the O.A. is allowed, with a direction to the respondents that they should charge normal rent for the period from 16.09.2014 to 09.05.2015 and in case, they have recovered any amount from the applicant in this regard, to refund the same. There shall be, however, no order as to costs and interest.

(P.K. Basu)
Member (A)

/Jyoti/