

**CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI**

**ORIGINAL APPLICATION No.0139/2017**

**Date of Decision: 15<sup>th</sup> February, 2017**

**CORAM: HON'BLE Ms. B. BHAMATHI, MEMBER (A)**

Shri Surendra Goaplraro Kulkarni,  
Age 45 yrs. Working as Pointsman  
Under Station Manager, at Daund  
Station of Solapur Division  
Of Centrla Railway, Daund, R/o  
Railway Quarter No.RB No.J-16, Central  
Railway Quarters, Daund Station,  
Daund (Distt. Pune).

**...Applicant**

**(By Applicant Advocate: Shri. D.N. Karande)**

**Versus.**

1. Union of India, through  
The General Manager, Central Railway,  
2<sup>nd</sup> Floor, General Manager's Officer,  
Mumbai CST-4000001.

2. Chief Personnel Officer,  
Central Railway, 1<sup>st</sup> Floor of  
General Manager's Office,  
Mumbai CST -400001.

3. Divisional Railway Manager,  
Central Railway, Solapur Division,  
Solapur-413003.

4. Senior Divisional Personnel Officer, Central

Railway, DRM's Officer at  
Solapur-413003.

... Respondents

**(Respondents by Advocate -x-)**

**ORDER (Oral)**

**Per:- HON'BLE Ms. B. BHAMATHI, MEMBER (A)**

This OA has been filed by the applicant under  
Section 19 of the Administrative Tribunals Act,  
1985 seeking the following reliefs:-

“(a). That this Hon'ble Tribunal may kindly be pleased to call for the records pertaining to the recovery of damage rent from the applicant.

(b). That this Hon'ble Tribunal may kindly quash the “Impugned orders” qua the applicant and direct the Respondents to take into consideration the provisions of IREM on the subject matter.

(c). That this Hon'ble Tribunal may kindly declare the retention of quarter by the applicant at Daund during his sickness as authorized one.

(d). That this Hon'ble Tribunal may kindly direct the Respondents to refund Rs.1,00,107/- (Rs. One Lakh One-Hundred Seven only) recovered towards the recovery the damage rent for the period from February, 2010 to December 2012.

(e). That this Hon'ble Tribunal may kindly order the Respondents to pay

12% interest for illegal recovery of  
damage rent

(f). Any other relief that this  
Hon'ble Tribunal deems fit to be  
granted.

(g). Cost of this O.A. may kindly  
be saddled on the Respondents."

**2.** The applicant is aggrieved by the impugned order of the respondents for recovery of damage rent on 15.02.2010. The applicant has claims that he has submitted several representations for refund of deducted amount on account of penal rent to the tune of Rs.1,00,107/- w.e.f. February, 2010 from the regular pay of the applicant @ Rs.3236/- p.m.

**3.** Heard the learned counsel for the applicant and perused the records.

**4.** The Tribunal is of the view that the ends of justice would be met by directing R-3 to pass a reasoned and speaking order on the representation filed by the applicant within a period of four weeks from the date of receipt of certified copy of this order. The Tribunal has not gone in the merits of the case. All legal pleas shall be kept open.

5. Accordingly, OA disposed of at admission stage. No order as to costs.

**(Ms.B. Bhamathi)**

**Member (A)**

Amit/-