

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.54/2018 with MA Nos.192 & 193 of 2018

This the 10th day of December, 2018

Shri Tushar J Sharma
S/o. Jagdish L. Sharma
Aged 31 years
Helper-II, Khalasi, LRS Shop, Loco Carriage
& Wagon, Workshop, Dahod.
Residing at : 826/B D.Site, Freeland Gunj,
Dahod 389 160. Applicant

(By Advocate : Ms. S.S.Chaturvedi)

VERSUS

1. Union of India
Notice to be served through
General Manager
Western Railway, Churchgate
Mumbai 400 020.
2. The Chief Works Shop Manager
O/o. CWM,
Loco Carriage & Wagon Workshop
Western Railway,
Dahod 389 160. Respondents

(By Advocate : Shri A.L.Sharma)

ORDER – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

Heard. Facts as has been set out in the OA briefly are that the applicant and his father, both are working under Railway Department and therefore, the respondents jointly allotted one single quarter to both of them. Before retirement of the father of the applicant, applicant made representation for allotting same quarter to him and respondents granted prayer of the applicant. On 02.12.2017, the respondents issued order vacating and cancelling Order of allotment of said quarter in favour of applicant. On rejection, applicant preferred representation on 16.12.2017 for retention of said quarter.

2. Respondents contested the case and filed reply. The stand of respondents, as taken in reply, that applicant was allowed to live in share in the quarter, with his father, and after retirement of his father, he applied for allotment of this quarter in his

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favour. That after allotment of quarter in favour of applicant it transpired that applicant did not disclose his pay scale and Grade Pay in the application given for allotment of quarter. That Grade Pay of the applicant was Rs.1800/- whereas the quarter, which is of Type-II could be allotted to employee drawing Grade Pay of Rs.1900/- or more.

3. Applicant filed rejoinder and stated that he since 24.09.2018 has been promoted and is drawing Grade Pay Rs.1900/- and that respondents had allotted Type-II quarter to some other employees (he gave the detail) who were drawing grade pay Rs.1800/-.

4. On 30.9/2018, the matter was at the stage of final hearing applicant filed another affidavit. The averment of applicant, as has been stated in his Affidavit, dated 30.9.2018 is that applicant has since been promoted and drawing Grade Pay of Rs.1900/- now. Other documents brought on record reveals that applicant

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was allowed by the department to live in the quarter, in share, with his father, who was also employee of the respondents, and in month of September, 2017 regular allotment of quarter was made in favour of the applicant as his father was going to retire and thereafter in December, 2017, in supersession of order of allotment, another order, cancelling the allotment on the ground that his GP was Rs.1800/- and Type II of Quarter which was allotted to the applicant can be allotted to employee drawing G.P. of Rs.1900/- was issued . Annexure A-19 reveals that respondents have offered another Type-II Quarter No. 928/E to finalise this case.

5. Quoting above said backdrop facts, it was inquired from learned counsel, on 24.10.2018 that if department is ready to allot another quarter of same Type to the applicant than why he should not be allowed to remain in the same quarter and learned

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counsel submits that he wants some time to seeks instruction from the Department.

6. Today, when the matter was taken up for final hearing. Learned counsel for respondents, Shri A.L.Sharma, informed that respondents have filed fresh affidavit on 07.12.2018 are ready and willing to allot the same quarter in favour of the applicant w.e.f. date of his promotion i.e. from 24.9.2018 and he added that of period from 02.12.2017 to 23.4.2018 only normal rent has been charged from the applicant and in case the allotment has to take effect from 24.9.2012 the respondents shall be entitled to get double of normal rent for this period, which may be round about Rs.2400/- for said entire period. He urged that respondents may be authorised to recover this difference of rent of that intervening period. Learned counsel to ensure that whatever she stated at Bar will be followed in letter and spirit by respondents. She took us to affidavit filed on 07.12.2018, on

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behalf of the respondents, particularly to para 6 of said Additional Affidavit. He further request that this OA may be disposed of directing the applicant to pay amount of Rs. 2400/- and allow the respondents to deduct the amount from the salary of the applicant.

7. Learned counsel for the applicant submits that though applicant has faced agony due to cancellation of allotment of the quarter but since good sense has prevailed and respondents wants to reallocate the quarter now after recovering only the difference of rent of period in between 02.12.2017 to 23.09.2018, so applicant did not want to press this OA, is ready and willing not to object said recovery, by the respondents.

8. Having taken note of submission, the OA needs to be disposed off with direction. Respondents are directed to reallocate Quarter No.826/B Type -II to the applicant w.e.f. 24.9.2018 and after allotment they may take step to affect recovery of

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difference of rent of intervening period between 02.12.2017 to 23.9.2018. To compute the difference the amount of rent already recovered from applicant for said period shall be deducted from payable rent which shall be double of normal rent.

9. With aforesaid observation and directions, the OA stands disposed off. In view of disposal of OA, both MA Nos.192 & 193 of 2018 also stand disposed off.

(M.C.Verma)
Member (J)

(Archana Nigam)
Member (A)

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