

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00355/2019

Dated Wednesday the 20th day of March Two Thousand Nineteen

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

S.Sukumaran,
S/o. Sundaram,
41-A, Sudalai Madasamy Koil Street,
Ambasamudram,
Tirunelveli Dt. 627401.

....Applicant

By Advocate M/s. S. S. Jhothivani

Vs

1.Union of India rep by the,
General Manager,
Southern Railway,
Chennai 600002.

2.The Sr. Divisional Personnel Officer,
Southern Railway,
Madurai Division,
Madurai.

3.The Additional Divisional Railway Manager,
(Estate Officer),
Southern Railway,
Divisional Office, Madurai.

....Respondents

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following relief :

"To call for the records pertaining to the impugned order issued vide U/P353/OA 251/2014 dated 21.01.2019 issued by the Sr. Divisional Personnel Officer, Madurai Division, the 2nd respondent herein and to quash the same and direct the respondents 1 to 3 in particular the 2nd respondent to refund the sum of Rs, 1,59,406/- (Rs. 6131 X 26 months) deducted from the salary of the applicant towards damage rent for the period from 07.06.2010 to 18.07.2012 with interest @ 24% per annum and to pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

2. The grievance of the applicant is that while on transfer, he was entitled to retention of the residential accommodation for an initial period of two months on payment of normal rent or single flat rate license fee/rent and on request on educational or sickness grounds, the period of retention of Railway accommodation could be extended for a further period of six months on payment of special license fee ie., double the flat rate/license fee on rent, despite the applicant seeking extension of residential accommodation on academic grounds, he was not allowed the same.

3. The applicant filed OA 251/2016 which was disposed of by an order of this Tribunal dt. 31.08.2018 directing the respondents to consider his representation dt. 03.04.2013 in accordance with the relevant rules and pass a reasoned and speaking order. Annexure A18 impugned order dt. 21.01.2019 came to be passed in pursuance thereof, aggrieved by which the applicant is before this Tribunal in this 2nd round of litigation.

4. Learned counsel for the applicant would draw attention to Annexure A7 certificate issued by the Principal of the college in which his daughter was a student during the academic year 2012-13 and submit that the respondents were not correct in stating that the applicant had not produced any certificate from the college authorities about the duration of the current academic year for extension of quarters on educational grounds.

5. We have gone through the impugned order and considered the plea of the applicant. It is stated in the impugned order that the applicant had not produced any certificate from the college authorities regarding the end of the current academic year for extension of quarters. While learned counsel for the applicant refers to the applicant's initial Annexure A1 request for retention on educational grounds by representation dt. 23.04.2010, it is not seen therefrom that the alleged educational certificate issued by the college in which the applicant's daughter was studying was attached therewith. The applicant is also unable to produce any other evidence in this OA that such a certificate was submitted to the respondents before the impugned order was passed. As such, it is not possible for this Tribunal to fault the respondents on the issue of facts.

6. Notwithstanding the above, since the applicant is referring to Annexure A7 document which merely states the academic year as 2012-13 without stating the date of commencement and the date of conclusion of the academic year, we grant liberty to the applicant to obtain the necessary certificate in this regard from the college authorities and produce before the competent authority within a

period of one month from the date of receipt of a copy of this order. If such certificate is received, it is for the competent authority to reconsider the matter in accordance with the relevant rules. The applicant may not be penalised for not producing the certificate in the form required at the relevant time if it is otherwise a fact that the applicant's daughter was indeed a student in the 2nd year BSC (Zoology) in Rani Anna Government College for Women in the relevant year.

7. OA is disposed of at the admission stage.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

20.03.2019

SKSI