

(2019) 07 P&H CK 0226

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 18204 Of 2019

Raj Kumar

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 09-07-2019

Acts Referred:

Citation : (2019) 07 P&H CK 0226

Hon'ble Judges : Rajiv Sharma, J; Harinder Singh Sidhu, J

Bench : Division Bench

Advocate : P.M.Kansal

Final Decision : Dismissed

Judgement

Harinder Singh Sidhu, J

1. Raj Kumar - the petitioner has filed the present writ petition impugning the order of the Central Administrative Tribunal, Chandigarh Bench dated 09.04.2019, whereby, Original Application No.0060/00663/ 2017 filed by him has been dismissed.

2. The petitioner, who was working as Reservation Clerk in Indian Railways, had filed the Original Application challenging the action of the respondents in effecting recovery of Rs.1,18,644/- from his pay and allowances. against house rent, electricity and water charges for illegal occupation of House No. 149-E for the period from November 2013 to December 2015.

3. The case of the petitioner was that he was neither allotted the said Railway Quarter/house No.149-E nor was he ever in possession of the said house and thus the recovery from him for occupying the said house was illegal.

4. The case of the respondents was that the petitioner had been allotted Quarter No.149-E on 1.2.2012. The keys thereof had been handed over to him as per allotment letters Annexures R-1 and R-1/A. He occupied the said house and started living there with his family. This fact was even borne out from his letter

dated 10.1.2013 (Annexure A-6) wherein, he requested the Station Superintendent Kurukshetra to change the Railway Quarter No.149-E allotted to him as it was not in good condition. Its doors were broken and it had small rooms. He requested that Quarter No.150-D which was likely to fall vacant be allotted to him. The fact that he was in occupation of the said Quarter was further substantiated with reference to communication dated 7.5.2014 (Annexure R-3) which is LPC issued on his transfer wherein it is mentioned that he was occupying Railway Quarter No.149-E and paying rent of Rs.64/- per month and Electricity Bill of Rs.88/- per month. Despite occupying the above Railway Quarter the petitioner claimed house rent allowance @ Rs.3744/ which was illegal. On the mistake being detected the impugned recovery was effected.

5. Based on the aforesaid facts the learned Tribunal dismissed the Original Application holding that the petitioner could not be allowed to get two benefits simultaneously i.e. claim H.R.A. despite being in occupation of a Railway Quarter No.149-E.

6. The claim of the petitioner that he was not in occupation of the said Quarter is not borne out from the record. The documents relied on by the respondents clearly indicate that though he had been allotted a Railway Quarter and he paid rent of Rs.64/- and Electricity charges @ Rs.88/- per month, yet he also claimed House Rent Allowance which is not permissible in case of allotment of a Government Quarter.

7. There is no illegality or infirmity in the order of the Tribunal warranting interference.

8. Hence this petition is dismissed.