

(2018) 08 CAT CK 0076

In the Central Administrative Tribunal

Case No : Original Application No. 100, 3313 Of 2017

Ramesh Kumar Rajput

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 24-08-2018

Acts Referred:

Citation : (2018) 08 CAT CK 0076

Hon'ble Judges : Ashish Kalia, J

Bench : Single Bench

Advocate : Gaya Prasad, S.M. Arif

Final Decision : Disposed Of

Judgement

1. The present OA is filed against the impugned order dated 25.06.2015 at Annexure A-1 whereby Quarter No.E-16, Railway Colony, Narela was allotted to the applicant, which he refused to occupy being not suitable to him. He has prayed for the following reliefs:

(i) To allow the O.A.

(ii) To quash and set aside the impugned order dated 25.06.2015 passed by the Senior Section Engineer/ P.Way, Northern Railway, Sonipat (Respondent no.5) vide which the House Rent, House Rent Allowance from July, 2015 and Water Charges from Jan.2016 are being deducted and not being paid to the Applicant on account of so called allotment of Type-II Railway Quarter at Narela which was never accepted and possessed by the Applicant and no request thereto, was ever made to allot such Type-II Railway Quarter at Narela and further direct the Respondents to stop the said illegal deductions and entire amount may be refunded which are being illegally deducted from the monthly salary of the Applicant, alongwith penal interest @ 18% p.a. thereon."

2. Brief facts of the case are that the applicant has applied for Type-IV railway quarter at Narela as per his entitlement in terms of Railway Board Circular dated

16.03.2017. He was, however, allotted a Type-II accommodation on 25.06.2015, which he refused to accept stating as follows:

"R/Sir, As I have requested earlier, I want suitable Type-IV quarter for my family, E-16 is not suitable for my family, hence I cannot occupy the same. Please allot me a better suitable accommodation for my family. Kindly consider my case sympathetically."

3. The applicant further requested by making representation on 6.07.2015 to permit him not to occupy the quarter in question and continue to draw house rent allowance. The learned counsel for the applicant also submitted that deduction of house rent allowance and water charges is not justified and is causing undue harassment to the applicant, when he has not occupied the said quarter.

4. Notices were issued to the respondents and Shri S.M. Arif, learned counsel has put in appearance on their behalf.

5. During the course of arguments, learned counsel for the applicant drew my attention to representation made by the applicant at Annexure A-3 dated 6.07.2015 to which no reply has been given by the respondents.

6. The Tribunal feels that this matter can be disposed of with direction to the respondents to dispose of the aforementioned representation of the applicant within a period of 30 days from the receipt of a certified copy of this order and till then, no recovery shall be made pursuant to impugned order dated 25.06.2015. Ordered accordingly.