

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 31ST DAY OF MARCH 2016/11TH CHAITHRA, 1938

WP(C).No. 8495 of 2008 (S)

AGAINST THE ORDER/JUDGMENT IN OA 232/2007 of CENTRAL ADMINISTRATIVE
TRIBUNAL,ERNAKULAM BENCH DATED 23-07-2007

PETITIONER(S):

1. UNION OF INDIA,
REPRESENTED BY THE GENERAL MANAGER,, SOUTHERN RAILWAY,
CHENNAI-3.
2. THE ADDITIONAL DIVISIONAL RAILWAY
MANAGER, SOUTHERN RAILWAY, PALGHAT.
3. THE SENIOR DIVISIONAL PERSONNEL OFFICER,
SOUTHERN RAILWAY, PALGHAT.

BY ADVS. SRI.C.S.DIAS,SC, RAILWAYS

RESPONDENT(S):

K. SIVADAS,
SHUNTER, SOUTHERN RAILWAY, PALGHAT DIVISION,ERODE,,
RESIDING AT 111 D, RAILWAY COLONY, ERODE.

R,R1 BY ADV. SRI.MARTIN G.THOTTAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31-03-2016, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 8495/2008

PETITIONER'S EXTs:

EXT.P1: TRUE COPY OF RELEVANT PORTION OF RAILWAY BOARD ORDER
DT.30.11.2000

EXT.P2: -DO- O.A.NO:232/2007 ALONG WITH ANNEXURES OF CAT/ERNAKULAM

EXT.P3: -DO- OF REPLY STATEMENT FILED IN O.A.NO:232/2007 OF
CAT/ERNAKULAM

EXT.P4: -DO- REJOINDER FILED IN O.A.NO:232/2007 OF CAT/ERNAKULAM

EXT.P5: -DO- ORDER DT.23.7.2007 OF CAT/ERNAKULAM IN O.A.NO:232/2007

EXT.P6: -DO- LETTER DT.8.2.2008 OF 3RD PETITIONER DPO/PGT SENT TO
SR.STANDING COUNSEL FOR RAILWAYS

JJ

/TRUE COPY/

P.S.TO JUDGE

K. SURENDRA MOHAN & P.V.ASHA, JJ.

W.P(C) NO.8495 OF 2008

Dated this the 31st March, 2016.

JUDGMENT

Surendra Mohan, J.

The respondents in O.A.232/2007 of the Central Administrative Tribunal, Ernakulam Bench ('CAT' for short) challenge Ext.P5 order by which the O.A has been partly allowed. The dispute in this case relates to charging of damage rent from the respondent who was in occupation of the official quarters. The allegation is that, he continued to be in unauthorised occupation of the quarters even after he was transferred. The period of unauthorised occupation was alleged to be from 18.10.2002 to 15.9.2005 and the damage rent that was claimed was Rs.1,45,981/-. According to the respondent, though he was transferred to Erode where he had joined duty on 18.10.2002, since he had school going

children, he had submitted a request for retention of the accommodation for a period of two years. He did not apply for any accommodation at the station to which he was transferred. He did not claim any House Rent Allowance also at his new duty station. He therefore requested that he may be absolved of the liability to pay damage rent.

2. The claim of the respondent was contested by the petitioners contending that the action initiated against the respondent was justified. Various contentions disputing the claim of the respondent that he had school going children were also put forward.

3. After considering the rival contentions, the CAT found that the respondent was entitled to a partial relief. Therefore the CAT interfered with the impugned proceedings and held that the liability of the respondent to pay damage rent would have to be limited to the period from 17.5.2012 to 26.5.2006. The petitioners challenge the said order.

4. We have heard Adv.Shri.C.S.Dias who appears for the

petitioners as well as Adv. Martin G.Thottan who appears for the respondent. We have also considered the rival contentions. We are informed that the respondent has since retired from service. The relief granted by the CAT is justified in the facts and circumstances of the case, narrated in detail in Ext.P5 order of the CAT. We do not find any infirmity warranting interference therewith in exercise of our supervisory jurisdiction. In view of the above this writ petition is dismissed confirming the order of the CAT.

Sd/-
K. SURENDRA MOHAN
Judge

Sd/-
P.V.ASHA
Judge

jj

/True copy/

