

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3971 of 2011

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Braj Nandan Prasad, Son of Late Karu Prasad, Resident of Mohalla Choti Dantapur, Near Shivala, P.O. - Jamalpur, District Munger(Bihar)

.... Petitioner/s

Versus

1. The Union of India represented Through The General Manager Eastern Railway, Fairlie Place, 17, Netaji Subhash Road, Kolkata-700001
2. The General Manager(Personnel) Eastern Railway, Fairlie Place, 17, Netaji Subhash Road, Kolkata -1(West Bengal)
3. The Divisional Railway Manager, Eastern Railway, Malda Division, Malda, (W.B.)
4. The Senior Divisional Personnel Officer, Eastern Railway, Malda Division, Malda, (W.B.)
5. The Senior Divisional Mechanical Engineer Eastern Railway, Malda Division, Malda, (W.B.)

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amar Nath Jha
For the Respondent/s	:	Mr. Anil Kumar Sinha
		Mr. Abhimanyu Deo.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 23-06-2015

Heard learned counsel for the petitioner and

learned counsel for the respondents.

The petitioner challenges the order of the Central

Administrative Tribunal, Patna by which the Tribunal has dismissed

the Original Application of the petitioner challenging Letter no.

EG/Qrt./Retention/MLDT dated 20.12.2014 issued by the

Respondent No.4 by which the Original Application against the

damage rent charged by the Railways was dismissed.



The petitioner was posted at Sahebganj. Being an employee of Railway, he was transferred to Malda. On being transferred to Malda, he applied to the Railway Authority to retain the house that was allotted to him at Sahebganj for a further period on the ground of illness of his wife. The Railways granted him permission to retain the quarter for the period of two months on payment of normal rent and further, six months on payment of double of normal rent. Once this period expired, petitioner made another application on the ground that his daughter was in College in mid academic session 2002-2005. She still had more than a year to complete her academic session and, as such, he should be allowed to retain the quarter at Sahebganj. In support of the claim, he has given a certificate from the Principal of the R. Lall College of Bhagalpur under the Bhagalpur University to show that she was studying there. This time the Railways refused the permission. As he did not vacate the quarter in time, he has been charged damage rent.

The petitioner challenges denial of permission to retain the house on the ground of academic career of his daughter. Inasmuch as petitioner's daughter was studying in a College at Bhagalpur and not at Sahebganj, that was only a pretence of an

excuse to retain the quarter unauthorizedly. He was, thus, liable to pay the damage rent which he was fully aware. The damages has already been stipulated by the Railway Board and, therefore, the period of unauthorized occupation not being in dispute, the question of calculation of damage rent was mere mathematical. The petitioner was aware of his liability and deduction of his salary and his retiral benefits is not wrong.

This writ application merits no consideration. The same is, according, dismissed.

(Navaniti Prasad Singh, J.)

(Rajendra Kumar Mishra, J.)

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