

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.172 of 2009

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Amit Gunjan, son of late Devendra Vidyarthi, resident of Mohallah-Hajipur
Gannipur Road, Ramdayalu Nagar, Muzaffarpur, at present Inspector in Charge,
Railway Protection Force, Muzaffarpur.

.... Petitioner

Versus

1. The Union of India through Director, Security (E), Railway Board, New Delhi.
2. Director, Security (E), Railway Board, New Delhi.
3. Deputy Director, Security (E), Railway Board, New Delhi.
4. General Manager, East Central Railway, Hajipur.
5. Commandant, Railway Protection Force, Samastipur Division.
6. Commandant, Railway Protection Force, Sonapur Division.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Railway : Mr. Bijoy Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-02-2018

Heard learned counsel for the petitioner and learned
counsel for the Railway Administration.

2. In this case, the petitioner is challenging the order dated 25.04.2008, whereby and where-under the Railway Administration has charged the penal rent for the period he remained under unauthorized occupation of Government quarter about 2 years, 2 months and 13 days.

3. The petitioner was posted at Narkatiaganj, was allotted



the accommodation of the Railway Administration. The petitioner was transferred from Narkatiaganj to Jehanabad on 28.04.2006 where the quarter for the petitioner was not available, so he remained in private rented house and thereafter he was transferred from Jehanabad to Muzaffarpur on 25.01.2008 and ultimately, he vacated the quarter on 09.09.2008, thereby he remained under unauthorized occupation of quarter at Narkatiaganj for 2 years 2 months and 13 days.

4. As per the claim of the petitioner as the Government quarter was not available either at Jehanabad or at Muzaffarpur and he was constrained to keep the accommodation for his family members on account of education of his children and for other incidental matters and as such, he is liable to pay only the standard rent fixed by the Railway Administration not the penal rent.

5. Whereas, learned counsel for the Railway Administration submits that he remained in occupation of the Government quarter even after the extended period without any permission of the authority. As per the rules and regulations of the Railway Administration, charge has been made of penal rent, so nothing wrong has been done by the Railway Administration.



6. Learned counsel for the petitioner further submits that before charging the penal rent the petitioner was not given any opportunity. But, the fact is that he is a Government employee he knows that when he remained unauthorized occupation, he will be liable to pay the penal rent as per the Railway's rules and as such, the ground that has been taken by the petitioner is not sustainable in law.

7. Admittedly, the petitioner was transferred from Narkatiaganj to Jehanabad on 28.04.2006 and ultimately he vacated the Government quarter on 09.09.2008, the salary slip of the petitioner itself reflects that he was given the house rent allowance inasmuch as as per the rules of the Railway on transfer he should have vacated the quarter. There is nothing wrong done by the Railway Administration in charging the penal rent from the petitioner as the petitioner has remained in possession of quarter for long period i.e. 2 years 2 months and 13 days without the permission of the competent authority.

8. In such view of the matter, this Court does not find any ground to interfere with the action of the Railway Administration. Accordingly, this petition is dismissed. However, liberty is given to the petitioner, if he so desire, may represent his case before the higher authority to examine the fact about the non-allotment of the



quarter to the petitioner at Jehanabad and also at Muzaffarpur. If such a representation is filed, the authority will consider the same and will examine the matter and take decision in accordance with law.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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