

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1059 of 2018

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1. The Union Of India, through the General Manager, East Central Railway, Hajipur, Vaishali, Bihar.
 2. Senior Divisional Personnel Officer, Danapur Division, East Central Railway, Danapur.
 3. Senior Division Engineer (Co-ordination), Sonapur Division, East Central Railway, Sonapur.
 4. Deputy Chief Engineer, Construction East Central Railway, Hajipur.
 5. Deputy Chief Engineer, Construction East Central Railway, Samastipur.
 6. Assistant Divisional Engineer (West), East Central Railway, Barauni.
 7. Section Engineer, P- Way, Danapur Division, East Central Railway, Patna.

.... Petitioner/s

Versus

Mohan Prasad, Son of Late Ram Pat Prasad, Resident of Village- Bagaora (Janki Tola), P.O. Bagora, P.s. Duraudha, District- Siwan, Presently working as Keyman at Ekangarsarai- Hilsa, Section Under Senior Section Engineer, P.Way, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abbas Haider, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 18-01-2018

Heard learned counsel for the Union of India i.e. the Railways.

Perused the order dated 13.04.2017 passed in O.A. No. 215 of 2015 with M.A. 89 of 2015 by the Central Administrative



Tribunal, Patna Bench Patna.

The Tribunal took a sympathetic view keeping in mind that the private respondent-applicant was a low paid employee, therefore, the decision to interfere with the deduction from salary of the penal rent for occupation of an official accommodation is not required to be interfered with in the uniqueness of the fact which has been kept into consideration by the Tribunal.

However, we are in agreement with the submission of the learned counsel for the Union of India that the decision of the Central Administrative Tribunal so rendered may not be treated as a precedent and laying down the ratio for all cases of illegal occupation.

Writ is disposed of but without interfering with the substantive direction of the Tribunal.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Devendra/Arjun

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.01.2018
Transmission Date	NA

