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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH,
CALCUTTA**

O. A. No. 350/00 392 of 2020

IN THE MATTER OF:

SHRI GAGAN KUMAR CHOUDHARY,

son of Late Sundar Kant Chaudhary,
aged about 47 years, residing at Type-
III/2, Quarter No. KVB/3/2 at Staff
Quarter Kendriya Vidyalaya
Ballygunge, BMC Area, Ballygunge
Circular Road, Kolkata-700019 and
presently holding the post of Post-
Graduate Trained Teacher in History
at Kendriya Vidyalaya, Cossipore,
Dum Dum Road, 7, Tanks Estate,
Kolkata- 700002;

...Applicant

-Versus-

1. **UNION OF INDIA** service through
the Secretary, Ministry of Home
Affairs, Government of India, North
Block, New Delhi-110001.

2. **THE KENDRIYA VIDYALAYA SANGATHAN** service the Commissioner, KVS, 18, Institutional Area, Shastri Jeet Singh Marg, New Delhi- 110016.
3. **THE DEPUTY COMMISSIONER,** Kendriya Vidyalaya Sangathan, Regional Office, Kolkata, EB Block, Sector-1, Laboni, Salt Lake, Kolkata- 700064.
4. **THE PRINCIPAL,** Kendriya Vidyalaya, Ballygunge, Maidan Camp, Ballygunge Circular Road, Kolkata- 700019.
5. **THE PRINCIPAL,** Kendriya Vidyalaya, Cossipore, Dum Dum Road, 7, Tanks Estate, Kolkata- 700002.

...Respondents.



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/392/2020

Date of Order: 19.06.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

GAGAN KUMAR CHOUDHARY

-VS-

KENDRIYA VIDYALAYA SANGATHAN



For The Applicant(s): Mr. P.C. Das, counsel
Ms. T. Maity, counsel
For The Respondent(s): None

ORDER (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Notice has been served by the applicant on the respondents. Yet no one appears for respondents. Hence Rule 16(1) of CAT (Procedure) Rules, 1987 is invoked.

Ld. Counsel for the applicant is present and is heard.

2. This application has been preferred to seek the following reliefs:

- a) To quash and/or set aside the impugned letter dated 15.10.2019 written by the Kendriya Vidyalaya, Cossipore addressed to the applicant in respect of vacation of Government Quarter being Annexure A-1 of this original application.
- b) To quash and/or set aside the impugned office letters dated 26.10.2019 and 16.11.2019 issued by the Principal.



Kendriya Vidyalaya, Ballygunge to the Principal, Kendriya Vidyalaya, Cossipore by which he directed to the Principal, Kendriya Vidyalaya, Cossipore to charge the damage rent and deduct the same from the salary of the applicant without following the procedures of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 being Annexure A-3 and A-4 of this original application.

- c) To quash and/or set aside the impugned office orders dated 28.11.2019 and 09.12.2019 by which the Principal, Kendriya Vidyalaya, Ballygunge directed the Principal, Kendriya Vidyalaya, Cossipore to charge the damage rent against the applicant and deduct the same from his salary being Annexure A-6 and A-7 of this original application.
- d) To quash and/or set aside the impugned the impugned office order dated 13.01.2020 issued by the Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Kolkata by which he has directed the Principal, Kendriya Vidyalaya, Cossipore to direct the applicant to vacate the KVS Staff Quarters at Ballygunge being Annexure A-12 of this original application.
- e) To quash and/or set aside the impugned letter dated 17.01.2020 issued by the Principal, Kendriya Vidyalaya, Cossipore by which he directed the applicant to vacate the

~~quarters~~ at the K. V. Ballygunge Staff Quarters being Annexure A-13 of this original application:

- f) To quash and/or set aside the impugned office letter dated 23.01.2020 issued by the Principal, Kendriya Vidyalaya, Ballygunge by which she directed the Principal, Kendriya Vidyalaya, Cossipore to direct the applicant to vacate the quarter immediately otherwise they will deduct the damage as well as penal rent for occupying the said quarter being Annexure A-14 of this original application
- g) To quash and/or set aside the impugned office order dated 04.03.2020 which was communicated by the Principal, Kendriya Vidyalaya, Cossipore that the damage rent @ 40 times of the normal rent will be deducted from the salary of the applicant of March, 2020 without any due process of law being Annexure A-17 of this original application.
- h) To quash and/or set aside the impugned office order dated 05.03.2020 issued by the Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Kolkata by which he directed the Principal, Kendriya Vidyalaya, Cossipore to recover the damage rent from the salary of the applicant without following the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 being Annexure A-18 of this original application.



- i) To declare that the occupying of the quarter No. KVB/3/2 at K.V. Ballygunge Staff Quarters under the control of the Principal, Kendriya Vidyalaya, Ballygunge by the applicant is in accordance with the rules and in accordance with his entitlement since the applicant is working in the Kendriya Vidyalaya, Cossipore and as per the information received under Right to Information Act, 2005 being Annexure A-9 of this original application the employees under serial nos. 21 to 33 working in different Kendriya Vidyalayas are allowed to retain the Staff Quarters in K.V. Ballygunge Staff Quarters, therefore, direction for vacating such quarter of the applicant and to recover the damage rent from the salary of the applicant is wholly arbitrary and illegal and in utter violation of Article 14 and 16 of the Constitutions of India and also in violation of the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971;
- j) To declare that the actions of the respondent authority by directing the applicant to vacate such quarter No. KVB/3/2 at K.V. Ballygunge Staff Quarters and to recover the damage rents from his salary is otherwise illegal and arbitrary and the applicant is entitled to such quarter by paying the normal rent and his possession cannot be disturbed by authority in any manner whatsoever;

3. The case of the applicant in a nutshell is as under:

Applicant had joined the KV, Ballygunge, Kolkata as a Trained Graduate Teacher and was allotted staff quarter No. KVB/3/2. On being promoted to the post of PGT (History), he was transferred to KVS AFS, Digaru in February, 2019. As per rules, he retained the quarter at Ballygunge. He was transferred to KV Cossipore, Dum Dum on 28.06.2019.

Ld. Counsel for the applicant submitted that since he is presently posted in Kolkata, as per rules he is entitled to occupy the aforesaid staff quarter at Ballygunge wherefrom he is attending his duties at KV, Cossipore. That on 15.10.2019 impugned office letter was issued by the KV, Cossipore ordering him to vacate the govt. quarter at Ballygunge.

Applicant represented on 16.12.2019 ventilating his grievance. After several correspondences, impugned order dated 28.11.2019 was issued by the Principal, KV, Ballygunge directing the Principal, KV, Cossipore to get the quarter vacated by the applicant and to charge damage rent against his salary. Against such impugned order, applicant represented to Grievance Officer, KVS, Regional Office, Kolkata on 16.12.2019.

Ld. Counsel for the applicant would further vociferously contend that several other employees of the Kendriya Vidyalaya, who are serving from different places, are occupying the staff quarter at Ballygunge and that there is no staff quarter at Cossipore. Hence the applicant is meted out discriminatory treatment vis-a-vis such employees.



Ld. Counsel for the applicant would further submit that none of his representations, ^{including} latest one dated 07.03.2020, have yielded any response and the respondents have started recovering damage rent from the salary since March, 2020.

4. Ld. Counsel for the applicant submits that the grievance of the applicant may be redressed, if his pending representation is considered by the competent authority and till such time interim protection is granted.

5. In view of such and for the ends of justice, we therefore dispose of this O.A. with direction to competent respondent authority to consider the representation dated 07.03.2020 (Annexure-A/19) as per rules and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. We, however, made it clear that till the representation is considered and the speaking order is communicated to the applicant, the applicant shall not be ousted from the quarter at Ballygunge and no further recovery shall be made from his pay.

6. Accordingly, with the aforesaid direction the O.A. stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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