

LIBRARY

1

O.A. No.350/00608/2020.

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O.A. No.350/00608/2020.

Date of order : This the 9th day of September, 2020.

Hon'ble Mrs.Bidisha Banerjee, Judicial Member

Hon'ble -Dr.(Ms) Nandita Chatterjee, Administrative



Sri Bidyut Biswas aged about 61 years,
Son of Late Purna Chandra Biswas,
Ordinarily residing at C/o Eva Mallick Biswas,
20 Durganagar School Road, Rabindra Nagar,
P.S. Dum Dum, Kolkata – 700065 and permanent
Address Bakshi Pally, P.O. & P.S Bongaon,
District North 24 Parganas, Pin 743235 and retired
as Ex-Chief Telephone Operator (CTO),
Fairly Place, Eastern Railway under Signal and
Telecom, Senior DSTE/Howrah, Pin-711101.

.....Applicant

By Advocate : Ms A. Sarkar

-Versus-

1. Union of India,
Through General Manager,
Eastern Railway, 17, N.S.Road,
Kolkata-700001.
2. The Divisional Railway Manager,
Eastern Railway, Howrah Division,
Howrah-711101, West Bengal.
3. The Senior Divisional Personnel Officer,
Eastern Railway, Howrah Division,
Howrah-711101.
4. The Senior D.S.T.E/1, Otherwise Chairman,
Railway Quarter Committee, Signal & Telecom
Pool, Eastern Railway, Howrah Division,
Howrah-711101.
5. The Senior Section Engineer,
Telephone Department, Fairly Place,
Eastern Railway Head Quarter, Kolkata-700001.

.....Respondents

By Advocate : Mr H. Ghosh

Ms Bidisha Banerjee, Member(J)

The applicant has preferred this O.A to seek the following reliefs :

- a) Issue direction upon the respondents and their men and agents not to recover any amount from gratuity/pensionary benefits of the applicant due to non-vacation of Railway Quarter.
- b) Issue further direction upon the respondents to allow the applicant to get the railway quarter vacation certification forthwith.
- c) To pass an appropriate necessary order directing upon the respondent authority to return any amount which has been already recovered for non-vacation of Railway quarter forthwith.
- d) To pass an appropriate order directing upon the respondent authority to produce connected departmental records regarding allotment of Railway Quarter No.94/F, Jenyms Road, Liluah, Dist. Howrah at the time of hearing.
- e) Any other order and/or further order of orders as the Hon'ble Tribunal may deem fit and proper.

2. The applicant has alleged that his estranged wife with whom he no longer lives is in possession of his quarter and that despite his repeated requests to the authorities to take over possession of the Quarter No.94/F, Jenyms Road, Liluah, Howrah, no steps have been initiated by the authorities to take over possession from him.

3. Ld. Counsel for the applicant submits that the estranged wife and daughter of the applicant are residing in the said quarter and the applicant is not in any way responsible for non vacation of quarter by them. However, he has expressed his desire to vacate the quarter and a communication dated 07.08.2019 from the Chairman, Railway Quarter Committee, S&T Pool, Howrah, Senior Section Engineer (Works) has been received acknowledging his desire to vacate the Railway Quarter. However, physical possession of the quarter still remains with his wife and possession has not been handed over to the Railway authorities as yet.

4. Ld. Counsel for the respondents is not in a position to respond. However, he admits that the matter can be disposed of with a direction upon the authorities to take over possession of the railway quarter from the applicant by making him sign the papers as are required to be signed and to take necessary aid of the authorities to get the quarter physically vacated, if any occupant other than the applicant is in possession of the said quarter.

5. Let appropriate orders be issued and action be taken within a period of two months from the date of receipt of a copy of this order. The applicant be not saddled with any recovery or penal rent as despite his request the authorities have failed to take possession of the quarter in question.

O.A is accordingly disposed of at the admission stage. No order as to costs.

(DR NANDITA CHATTERJEE)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

pg