

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

LIBRARY

OA. 350/660/2020

Date of order: 05.10.2020

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. Tarun Shridhar, Administrative Member

Malla Sai Bhaskar Rao, Son of M.B.R. Murty,
Aged about 44 years, working as Technician Grade
II/AC/SRC, S.E. Rly, Emp No. 50709608370, B U No.
EPS/2/19 DEE (G), residing at Tara Ma Apartment, 3rd
Floor, Flat No. 304, Government Colony, North Baxrah,
Near Sishuiniketan School, Santragachhi.

..... Applicant.

-Versus-

1. Union of India, Service though the Secretary,
Ministry of Railway, Railway Board,
Rail Bhavan, New Delhi - 110001.
2. General Manager, S.E. Rly, GRC,
Kolkata - 43.
3. Sr. Divisional Personnel Officer,
S.E. Rly Kharagpur, PO+PS - Kharagpur,
Dist. - Paschim Midnapur.
4. Senior Divisional Electrical Engineer,
S.E. Rly. Santragachhi,
PO+PS - Santragachhi,
Howrah, Pin - 711111.

..... Respondents.

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Ms. S. Chowdhury, Counsel



ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard both.

2. The facts of this case in a nutshell are that the applicant who is a Technician Grade II in the Railways was allotted a railway quarter No. B/51 Unit-IV(Type-II), Santragachi. He applied for permission to vacate the Railway Quarter as he purchased one flat at Santragachi. Permission was granted to him for vacation of Railway Quarter. Subsequently the said quarter was allotted to one Pintu Kumar. The applicant being not in possession of any Railway Quarter, applied for grant of HRA. But by an order, his prayer was regretted since the quarter of his entitlement was available at Santragachi. The applicant preferred a representation stating interalia that those who have vacated railway quarters were granted HRA. But his representation has failed to ~~consider~~ elicit any response till date. Hence, he has preferred the OA to seek the following reliefs:



"8.i) RBE 78/2003 cannot be sustained in the eye of law and therefore the same may be quashed.

ii) Office Order dated 05.10.2018 can not be sustained in the eye of law and therefore the same may be quashed.

iii) An order do issue directing the respondent to grant HRA favour of the applicant from the date of vacation of Railway quarter."

3. Since the applicant has preferred a representation only on 30.07.2020 seeking the same reliefs as in the present OA and has rushed to this Tribunal without waiting for a reply while his representation is yet to be disposed of, and since no fruitful purpose would be served by calling for a reply in this matter unless the representation is suitably decided by the

respondent authorities, we propose to dispose of the OA at the admission stage itself.

4. Accordingly, we direct the concerned respondent no. 3 or any other competent authority to consider the grievance of the applicant, as highlighted in his representation dated 30.07.2020 and after proper verification of records, to decide the same in accordance with law issuing an appropriate order or a reasoned and speaking order, within a period of 2 months from the date of receipt of copy of this order.

5. It is made clear that we have not entered into the merits of this matter and therefore, all points are kept open for consideration.

6. The present OA accordingly stands disposed of. No costs.

(Tarun Shridhar)
Member (A)

(Bidisha Banerjee)
Member (J)

