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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/00344/2021

Date of order: 3.5.2021

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Tapan Kumar Maiti,
Son of Late Kanai Lal Maiti,
Residing at Village - Paramanandapur,
Police Station - Moyna,
District - Purba Medinipur,
Pin - 721644.

.... Applicant

- VERSUS -

- (i) The Union of India,
Service through the General Manager,
Garden Reach,
Garden Reach Road,
Kolkata - 700 043.
- (ii) The General Manager,
South Eastern Railways,
Garden Reach,
Road,
Kolkata - 700 043.
- (iii) The Divisional Railway Manager,
Kharagpur Division.
- (iv) The Senior Divisional Engineer,
(Co-Ordinator),
Kharagpur Division,
South Eastern Railways,
Pin - 721301.
- (v) Junior Engineer (Works),
Tamluk,
South Eastern Railways,
Kharagpur Division,

A handwritten signature in black ink, appearing to be "K. Chatterjee", written over a horizontal line.

Pin - 721636.

(vi) The Divisional Engineer (HQ) / KGP,
South Eastern Railway,
Kharagpur.

(vii) The Additional Divisional Engineer / TMZ,
Tamluk,
South Eastern Railways,
Kharagpur Division,
Pin - 721 636.

(viii) The Senior Section Engineer (P. Way),
South Eastern Railways,
Kharagpur Division,
Pin - 721636.

.... Respondents

For the Applicant : Ms. R. Halder, Counsel

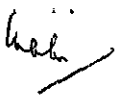
For the Respondents : Mr. K. Sarkar, Sr. Standing Counsel
Mr. D. Chowdhury, Counsel

ORDER (Oral)

Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, praying for the following relief:-

- "(A) A direction upon the respondents, their agents, subordinates and/or each one of them to take immediate steps for giving Govt. Accommodation or to sanction house rent allowance to the applicant.
- (B) A direction upon the respondents, their agents, subordinates and/or each one of them to produce or caused to be produce the records and documents in connection the case of the applicant so that conscionable justice may be rendered.
- (C) A direction upon the respondents, their agents, subordinates and/or each one of them to forthwith pay the arrear of house rent allowance along with interest on and from January, 2019 up to the date of payment.
- (D) Any other order or orders as the Hon'ble Tribunal may deem fit and proper."

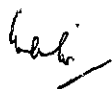


2. Heard Ld. Counsel for both sides. Affidavit of service is taken on record. This matter is taken up for disposal at the admission stage.

3. Ld. Counsel for the applicant would submit that, the applicant, who was appointed in the ex-serviceman quota, had joined the respondent authorities and was in receipt of House Rent Allowance. In 2018, the applicant was transferred as Trackman/Engineering Gr. IV on mutual basis from Howrah Division to Kharagpur Division under the South Eastern Railway, and, although, the House Rent Allowance was released to him for the first few months, on and from January, 2019, no further House Rent Allowance was released to the applicant. The applicant would claim that as per Rules, he is entitled to House Rent Allowance in the background of non-allotment of official accommodation to him.

4. On scrutiny of records, it transpires that the applicant was paid his House Rent Allowance for the month of December, 2018, (Annexure A-1 to the O.A.), and, thereafter, having been deprived of the House Rent Allowance since January, 2019, he had represented on 27.5.2019 (Annexure A-2 to the O.A.). He was also informed by the Office of the Junior Engineer (Works), S.E. Railway, Tamluk, that there are no vacant Railway quarters which could be allotted to the applicant. The applicant, thereafter, obtained information through RTI to ascertain the availability of official accommodation, the reply to which was received at Annexure A-4 to the O.A.

5. Ld. Counsel for the applicant, would, therefore, submit that, as prayed for in the Original Application, the applicant be either granted an official accommodation or if any official accommodation is not available, House Rent Allowance be granted to the applicant as per Rules.



6. As the respondent authorities have not yet decided on the applicant's prayer of House Rent Allowance in response to his representation at Annexure A-2 to the O.A., no useful purpose would be served in calling for a reply from the respondents at this stage.

~~7. Accordingly, without entering into the merits of the matter, the addressee~~
respondent authority or any other competent respondent authority, is hereby directed to examine the contents of the representation at Annexure A-2 to the O.A., if received at his end, in accordance with law and in the light of IREC rules as annexed at Annexure A-3 to the O.A..

8. In the course of such examination, if any available official accommodation can be allotted to the applicant, such allotment should be made within 4 weeks of the date of receipt of a copy of this order.

In the event, the respondents are unable to allot such official accommodation on the ground of non-availability, within the above mentioned period, House Rent Allowance, to which the applicant is entitled, as per Rules, should be released to him from the admissible date, within a further period of six weeks therefrom.

9. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

SP