

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/00718/2021

Date of order: 12.5.2021

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

U. Kameswari,
wife of U. Krishna Rao, working for gain as
Office Superintendent (OS) Mechanical
Department, under Senior DME/KGP, South
Eastern Railway, Kharagpur Division,
Employee No. 50707661617, presently
residing at Railway Quarter no. 3C/6 Unit
No. 5 Type-II at Old Settlement, Kharagpur,
South Eastern Railway, Kharagpur, Post
Office and Police Station- Kharagpur,
District - Paschim Midnapore,
Pincode - 721301.

--Applicant

Versus

1. Union of India, service through the
General Manager, South Eastern Railway,
having its office at 11, Garden Reach Road,
Kolkata- 700 043.
2. The Divisional Railway Manager, South
Eastern Railway, Kharagpur Division Post
Office and Police Station- Kharagpur,
District - Paschim Midnapore,
Pincode - 721301.
3. The Divisional Engineer (Head Quarter)
Kharagpur Division Post Office and Police
Station- Kharagpur, District - Paschim
Midnapore, Pincode - 721301.
4. The Disciplinary Authority and Senior
Divisional Mechanical Engineer, South
Eastern Railway Kharagpur Division Post
Office and Police Station- Kharagpur,
District - Paschim Midnapore,

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Pincode - 721301.

5. The Divisional Mechanical Engineer, South Eastern Railway, Kharagpur Division Post Office and Police Station- Kharagpur, District - Paschim Midnapore, Pincode - 721301.
6. The Assistant Divisional Mechanical Engineer being the Allotment Officer, South Eastern Railway, Kharagpur Division Post Office and Police Station- Kharagpur, District - Paschim Midnapore, Pincode - 721301.
7. The Enquiry Officer/Senior Section Engineer, under Senior Divisional Mechanical Engineer, South Eastern Railway, Kharagpur Division Post Office and Police Station- Kharagpur, District - Paschim Midnapore, Pincode - 721301.
8. The Junior Engineer, under Senior Divisional Mechanical Engineer, South Eastern Railway, Kharagpur Division Post Office and Police Station- Kharagpur, District - Paschim Midnapore, Pincode - 721301.
9. The Estate Officer, Estate Officer & Court, South Eastern Railway, Kharagpur Division Post Office and Police Station- Kharagpur, District - Paschim Midnapore, Pincode - 721301.

---Respondents

For the Applicant : Mr. S. Das, Counsel

For the Respondents : Mr. R.K. Sharma, 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 mandatory order be passed directing the respondents authorities their men agents subordinates and each one of them to forthwith set aside, quash, cancel, rescind, revoke and withdraw and not to give any effect or further effect to the Order No. Mech/D&A/5/KGP/2021/UK/01 dated 7th April, 2021 & Order No. SER/W-KGP/E.O/587/A/2021/465 dated 8th February, 2021 being Annexure -A-36 to this Original Application passed by the Estate Officer, South Eastern Railway Kharagpur Division, Respondent No. 9 herein in terms of which it has been ordered that in terms of Sub-Section 1 of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 and communicated to the Applicant herein by the Disciplinary Authority & Senior Divisional Mechanical Engineer, South Eastern Railway, Kharagpur Division, Respondent no. 4 herein and to complete the entire exercise within a specified period of time.

b) A mandatory order be passed directing the respondents authorities their men agents subordinates and each one of them to forthwith allow the applicant to stay in the Railway Quarter No. 3C/6 Unit No. 5 Type-II at Old Settlement, Kharagpur, South Eastern Railway, Kharagpur, Post Office and Police Station- Kharagpur, District - Paschim Midnapore ad-measuring 50 Square Metre, Quarter Type-2 having Rent Charges Rs. 204 in accordance with Estt. Srl. No. 132/2007 vide Quarter Allotment No. 20190 2076 61617 dated 15th February 2019 issued by the Assistant Divisional Mechanical Engineer being the Allotment Officer, South Eastern Railway, Kharagpur Division, Respondent No. 6 herein and to complete the entire exercise within a specified period of time.

c) To pass such other or further order or orders as Your Lordships may deem fit and proper."

2. Heard both Ld. Counsel.

The applicant would primarily challenge in this O.A. an order of the Estate Officer "Under Act 40 of 1971" [Public Premises (Eviction of Unauthorised Occupants) Act, 1971] whereby the applicant became liable to be evicted from the concerned premises. Ld. Counsel for the applicant would submit that the applicant had since vacated such premises.

hct

Ld. Counsel for the applicant, during hearing, would also refer to alleged injustice met out to the applicant as follows:-

- (i) The applicant had alleged sexual harassment vide her complaint (Annexure A-4 to the O.A.).

According to the applicant, no further action has been taken despite the seriousness of her complaint.

- (ii) Ld. Counsel would also submit that vide Annexure A-12 to the O.A., the applicant was issued a memorandum of charges primarily on the alleged grounds of sub-letting her official accommodation and also for alleged personal pecuniary gain making herself liable for misconduct and that such memorandum of charges was later withdrawn vide Office Order dated 8.3.2021 at Annexure A-30 to the O.A. and a fresh memorandum of charges was issued to the applicant at Annexure A-31 to the O.A. And that, the applicant being aggrieved, was desirous of challenging such memorandum of charges issued under Railway Service (Conduct) Rules, 1966.

3. As prayed for, the applicant is permitted to withdraw this O.A. with liberty to file a fresh O.A. challenging the memorandum of charges and other actions, if any, of the respondent authorities.

4. Ld. Counsel for the applicant would also pray that the official accommodation so vacated may not be reallocated for some time to prevent further hardships to the applicant concerned.

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Ld. Counsel for the respondents, Mr. R.K. Sharma, would submit that being bereft of instructions, he is not in a position to confirm as to whether the said official accommodation has already been reallocated to another employee.

This Tribunal would trust and hope that, given the current pandemic situation, the respondents may not reallocate the concerned official accommodation, if not so reallocated, for a period of one month from the date of receipt of a copy of this order.

5. The O.A. is accordingly disposed of as withdrawn. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

SP