

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/01529/2019
M.A. 350/00895/2019

Date of Order: 04.01.2021

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

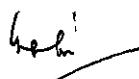
1. Prasenjit Bhunia,
Son of Madhusudan Bhunia,
Aged about 34 years,
Working as a Track Maintainer,
Grade-IV,
Under Senior Section Engineer/PW/Tamluk,
Residing at Village – Suranankar (10 Word),
Post Office – Paskura (Railway Station),
District – Paschim Medinipur,
Pin – 721152,
West Bengal.
2. Samarendra Kumar Samanta,
Son of Late Mahadev Samanta,
Aged about 34 years,
Working as a Track Maintainer,
Grade – IV,
Under Senior Section Engineer/PW/Tamluk,
Residing at Village – Paramananda Chak,
Post Office – Maguri Jagannath Chak,
District – Purba Midnapur,
Pin – 721152,
West Bengal.

... Applicants

Vs.

1. Union of India
Through the
General Manager,
South Eastern Railway,
Garden Reach,
Kolkata – 700 043.
2. The Divisional Engineer (H/Q),
South Eastern Railway,
Kharagpur.
3. The Assistant Divisional Engineer,
South Eastern Railway,
Tamluk Division.

.... Respondents



For The Applicant(s) : Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

For The Respondent(s) : None

ORDER (ORAL)

Per Dr. Nandita Chatterjee, Administrative Member:

This Original Application has been filed praying for release of House Rent Allowance in favour of the applicants. More specifically, the following relief has been prayed for in the instant O.A.: -

- "(i) An order do issue directing the respondents to release House Rent Allowance in favour of the applicants since they are not occupying a Railway Quarter and also to grant arrears.
- (ii) Leave may be granted to file this Original Application jointly under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987."

2. Heard Id. Counsel for the applicant. Affidavit of service is taken on record. As none represents respondents despite affidavit of service, Rule 16(1) of Central Administrative Tribunal (Procedure) Rules, 1987 is invoked.

3. An M.A. bearing No. 350/00895/2019 has been filed praying for joint prosecution of the instant Original Application. As the cause of action on withdrawal of HRA on grounds of non-occupation of government quarters is distinct in the case of each applicant, such liberty cannot be granted under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987, and the M.A. is rejected accordingly.

This O.A., however, may proceed in the context of applicant No. 1.

4. Id. Counsel for the applicant would submit that the applicant No. 1 was initially appointed as a Track Maintainer, Grade - IV w.e.f. 10.12.2014. Although he has not occupied any Railway accommodation, he was not

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allowed to draw HRA. The applicant had applied for HRA vide his representation dated 8.10.2018 (Annexure A-1 to the O.A.) in which the applicant had declared that he was living in his parents' house and contributing towards property tax as well as maintenance of the same.

That, such application was duly verified by the respondent authorities and was forwarded to the competent authority for taking decision on his HRA.

The applicant was, thereafter, allotted a Railway accommodation while working at Rajgoda Station but he refused to accept the same as the same was in a dilapidated condition. He was further transferred to Reghunathbari where no official accommodation was allotted in his favour.

According to the applicant, as he had not occupied any official accommodation, he is entitled to get the benefits of House Rent Allowance, and, had preferred a joint representation at Annexure A-2 to the O.A., reiterating his claim.

As joint prosecution is not maintainable, the joint application at A-2 to the O.A. cannot be taken into cognizance.

5. Ld. Counsel, would therefore agree to withdraw this O.A. and seek liberty to prefer comprehensive representations to the competent authority. Such liberty is granted in favour of the applicants to prefer comprehensive representations within a period of four weeks from the date of receipt of a copy of this order. Once so received, the competent respondent authority shall examine the contents of such representations in accordance with law and extant rules guiding the provisions of HRA, and,

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thereafter, decide within a period of six weeks from the date of receipt of such representations.

Decisions taken should be conveyed to the applicants in the form of reasoned and speaking orders.

In the event their entitlement to HRA is established, consequent benefits should be finalized and released to the applicants within a further period of ten weeks thereafter.

6. With these directions, the O.A. is disposed of as withdrawn. No costs.

(Dr. Nandita Chatterjee)
Administrative Member



SP