

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Additional I.P.O. worth of Rs. 50/- (Fifty only) in pursuance of order dated 6.6.03, received

1/6/03

in respect of applicant No.2. Shri A.P.Mishra, learned counsel for the applicants undertakes to file IPO worth of Rs.50/- in course of the day. M.A.438/03 is accordingly disposed of.

MEMBER (JUDICIAL)

J. Anil
06/06/03

Order No.2 dated 6.6.2003

Heard Shri A.P.Mishra, learned counsel for the applicants and Shri R.C.Rath, learned Standing Counsel (on whom a copy of this O.A. has been served) appearing for the Respondents/ Railways.

The applicants, by virtue of orders under Annexures-1 and 2 dated 15.5.2003 have been asked to vacate their quarters bearing Nos.GH/1-B at Retanga Colony (Khurda Road) and A/164-d at Loco Colony (Khurda Road) within a period of 10 days. Notices have been given to the applicants on the allegation that they had ~~been~~ sublet the quarters in question. By these notices both the applicants have been threatened ^{that} on their failure to vacate the said quarters, ~~the~~ consequence of actions under D.&A Rules, and ~~of~~ recoveries of damage rents ^{shall be taken against them if} ~~shall be effected if~~ from their salaries. It has been alleged, in course of submissions of the learned counsel for the applicants, that before issuing the impugned orders under Annexures-1 and 2 dated 15.5.2003 to their prejudices, no opportunity was given to each of them to have their say in the matter and, as such, those orders have been issued in gross violation of the principles of natural justice. On the other hand,

Copy of order dt. 6.6.03 and O.A. copy issued to all the respnts. by posts.

The same copy of order ~~dt. 6.6.03~~ issued to the counsel for both side.

DR
S.O. 06/06/03

MY
10/6/03

J

Shri R.C.Rath, the learned Standing Counsel for the Respondents/Railways pointed out that the orders under Annexures-1 and 2 dated 15.5.03 are preliminary notices and that the applicants are free to represent to the authorities for redressal of their grievances.

Having regard to the facts and circumstances of the case, I am of the view that in the instant case, the Respondents-Railways before issuing orders under Annexures-1 and 2 dated 15.5.2003 (which have the prejudicial effect on both the applicants) ought to have issued notices to the applicants to have their say in the matter without stipulating and/or indicating ^{therein of} any action under the Rules on their failure to vacate the quarters by a particular time, whereafter on receipt of replies to show cause notice, they could as well have passed orders in accordance with law. In this background of the case, without admitting and/or issuing notices to Respondents, and to avoid prolongation in such matters, I am propensed to quash the impugned orders issued under Annexures-1 and 2 dated 15.5.2003 which are vitiated being not followed by the principles of natural justice. Respondents-Railways are, however, at liberty to issue show cause/notice to the applicants to have their say in the matter; upon which, orders as deemed fit and proper under the rules/law, be passed by them.

As a result of quashing of Annexures-1 and 2 above, it is directed that the applicants should not be evicted from their respective

quarters until decisions, as directed above, are taken by the Respondents/Railways.

In the aforesaid terms, this O.A. is disposed of leaving the parties to bear their own costs.

Send copies of this order along with copies of this O.A. to Respondents and free copies of this order be handed over to the learned counsel of both the sides.

*celled-
06/06/03*
MEMBER (JUDICIAL)