

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

OA.616 of 1996

Date of Order: 23.7.98/
SINGLE BENCH

Present: Hon'ble Mr.Justice S.N.Mallick, Vice-Chairman.

BIRENDRA KR. BISWAS & ORS.

-VS-

UNION OF INDIA & ORS.

For the petitioners: Mr. K.C.Saha, counsel.

For the respondents: Mr.P.C.Saha, counsel.

Heard on: 23.7.98.

O R D E R

S.N.Mallick, VC

1. I have heard the 1d.counsel for both the parties.
2. In this application 42 applicants have joined together and have prayed for a number of reliefs out of which the 1d.counsel for them submits that he presses only the reliefs nos. (d) and (e). The petitioners who are admittedly the erstwhile employees of the Bakura Damodar Railway run by the McLeod & Company being taken over by the South Eastern Railway sometime in 1967. It is stated that the petitioners in course of their employment under the B.D.R., enjoyed rent-free quarters. Their grievance is that the South Eastern Railway has recovered arrear house rent from the salary of the applicants from the month of December, 1995 on the ground that such privilege of enjoying rent-free quarters is not applicable to them. The 1d.counsel appearing for the petitioners has drawn my attention to a purported appointment letter

dated 20.6.67 issued by the respondent authorities in favour of one Satya Narayan Bose who is the applicant no.39 herein. It states that the Railway Board were pleased to decide that he would be eligible for the concession of rent-free quarters in accordance with the provisions of rule 1901(i) E which was reproduced there.

3. In their reply, the respondent authorities have challenged the pleas of the petitioners. It is the definite stand taken by the respondents that none of the applicants, in view of the terms on which the staff of BDR were absorbed in the South Eastern Railway, were entitled to get rent-free quarters. Mr.Saha, 1d.counsel for the respondents, has drawn my attention to Annexure-A to the petition dated 6.5.67 that this is the order of taking over of the management of the Bakura Damodar Railway issued by the Government of India, Ministry of Railways (Railway Board). Sub-clause (viii) to Clause 2(c) of the said order clearly and specifically provided that no staff of the aforesaid Railway will be provided with quarters free of rent irrespective of whether they were enjoying said concession at the time of taking over. In view of the specific order, as per Annexure-A to the petition, it is difficult to place any ~~grievance~~ ^{when} on the order dated 20.6.67. As per Annexure-D to the petition, the respondent authorities have also challenged the authenticity of this appointment letter. It is submitted by the 1d.counsel for the respondents that the Assistant Personnel Officer, South Eastern Railway, Adra, ~~Dixision~~ who purportedly issued the appointment letter, had no competence to issue the same. 1d.counsel for the petitioner had found it difficult to convince me about the authenticity of this appointment letter or the authority of the Assistant Personnel Officer to give such concession to the said Satya Narayan Bose . There is nothing on record that any authority was delegated to the aforesaid officer to issue