

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.O.A.306 of 1996

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

JAHARLAL HALDER

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. M.M. Roy Chowdhury, counsel

For the respondents : Mr. P. Chatterjee, counsel

Heard on : 21.4.99

Order on : 21.4.99

O R D E R

.. In this O.A. the applicant, Jaharlal Halder challenged the order of eviction from a quarter initiated against him (Annexure-A/1 to the app.) vide letter dated 8.2.96 by the respondents. The grievance of the applicant in short is that he was holding the post of Boiler Maker in the office of the Loco Foreman, S.E. Rly., Santragachi and while he was in service, an order of compulsory retirement from service was issued by the respondents which is dated 30.3.87 marked as Annexure A/2 to this application. Feeling aggrieved by the said order of compulsory retirement dated 30.3.87, the applicant moved application before the Hon'ble Tribunal bearing No.521/90 and challenged the validity of the impugned order of compulsory retirement dated 30.3.87. The Hon'ble Tribunal after hearing both the parties, quashed the impugned order of compulsory retirement dated 30.3.87 with a direction that the applicant shall be treated to be on duty from the date he was compulsorily retired till the date of his retirement on attaining the age of superannuation. But even after receipt of the aforesaid judgment of the Tribunal, the respondents started proceeding of eviction of the applicant from the quarter allotted to him

in service, by serving a notice dated 8.2.96

occupation of the Rly. quarter mentioned in the Schedule of the notice with effect from 10.7.87 and therefore he is liable to be evicted therefrom.

2. Feeling aggrieved by and dissatisfied with the said order of eviction, the applicant filed this application before this Hon'ble Tribunal for quashing the impugned order of eviction dated 8.2.96 marked as Annexure A/1 to the application.

3. Respondents filed written reply stating inter alia that the eviction proceeding against the applicant for his unauthorised occupation of Railway quarter was dropped by a letter dated 11.4.96 marked as Annexure R/4 to the reply and therefore, the case of the applicant was closed.

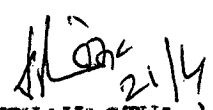
4. Ld. counsel Mr. M.M. Roy Chowdhury appearing on behalf of the applicant submits that the applicant was unnecessarily harassed by the respondents and he has not yet received full settlement benefits admissible to him on superannuation by the respondents. The instant notice of eviction was issued against the applicant with a view to harass the applicant unnecessarily even after receipt of the judgment of the Tribunal treating the applicant in service from the date of compulsory retirement till the date of superannuation.

5. Ld. counsel Mr. P. Chatterjee appearing on behalf of the respondents submits that the application has become infructuous in view of the fact that the impugned order which was challenged by the applicant had been cancelled and dropped by an order dated 11.4.96 (Annexure R-4 to the reply). So, the application is devoid of merit and is liable to be dismissed.

6. I have considered the submissions of the ld. counsel for both the parties and have gone through the records. I find that the instant notice of eviction against the applicant dated 8.2.96 had been issued by the respondents without application of mind to the facts of the judgment passed on 18.12.95 in O.A.No. 521/90. In the said judgment, it was specifically mentioned

that the order dated 30.3.87, Annexure A/1 to the application (i.e. the order of compulsory retirement) is quashed and the applicant shall be treated to be on duty from the date he was compulsorily retired till the date of his retirement on attaining the age of superannuation. It is not understood how the respondents took action against the applicant for eviction <sup>from</sup> of the railway quarter on the face of the clear observations made in the said judgment by the Tribunal. I am of the view that the action of the respondents is not only arbitrary but also an instance of non-application of mind to the facts of the judgment causing harassment to the applicant.

7. In view of the aforesaid circumstances, the application is disposed of but, I direct the respondents to make payment of costs of Rs.500/- to the applicant.

  
( D. PURKAYASTHA )  
MEMBER(J)

s.m.