

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No..... 296/2001

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet..... Pg..... 1 to..... 41

2. Judgment/Order dtd..... 28-6-2002 Pg..... 1 to..... 3

3. Judgment & Order dtd..... Received from H.C/Supreme Court

4. O.A..... Pg..... to..... 14

5. E.P/M.P..... Pg..... to.....

6. R.A/C.P..... Pg..... to.....

7. W.S..... Pg..... 1/22 to.....

8. Rejoinder..... Pg..... 1 to..... 41

9. Reply..... Pg..... to.....

10. Any other Papers..... Pg..... to.....

11. Memo of Appearance.....

12. Additional Affidavit.....

13. Written Arguments.....

14. Amendment Reply by Respondents.....

15. Amendment Reply filed by the Applicant.....

16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::: GUWAHATI.

ORDER SHEET

APPLICATION NO. 296 OF 2001APPLICANT (s) R. Ch. Dey.RESPONDENT (s) 20012008.ADVOCATE FOR APPLICANT(s) Mr. M.K. MazumdarADVOCATE FOR RESPONDENT(s) Mr. A. ChakrabortyAdv. Counsel:

Notes of the Registry	dated	Order of the Tribunal
Application is in form no. 1 for interim petition filed vide M. P. N. C. P. for Rs 50/- deposited vide IPO/BD No. <u>Q9 791919</u> Dated <u>27.7.2001</u>	7.8.01	<p>The application is admitted. Call for records.</p> <p>Issue notice to show cause as to why the interim as prayed for shall not be granted. Returnable by three weeks.</p> <p>List on 31/8/01 for further order.</p> <p><i>CC Usha</i> Member</p>
<i>Remarks</i> No. Encls not Subm <i>N.S. 31/8/01</i>	31.8.01	<p>List on 13/9/01 for order.</p> <p><i>Vice-Chairman</i></p>
Notice received and sent to D.S. for issue to the respondent No 1 to 3 by Regd ADL vide I.C.W. No. <u>3001W3002001</u> dated <u>13/8/01</u>	13.9.01	<p>By order <i>A.K. Jay</i> 31/8</p> <p>The respondents are yet to file written statement.</p> <p>Issue notice to the respondents as to why interim order as prayed for shall not be passed. Returnable by 4 weeks. In the meantime, the respondents are directed not to make any allotment of type II Qtr. occupied by Shri D.N. Majumdar till the returnable day.</p> <p>List on 11/10/01 for order.</p> <p><i>CC Usha</i> Member</p>
① Service report are still awaited.	30.8.01	<p><i>Vice-Chairman</i></p>

No. 103 has been filed.

30.8.01

11.10.01 List on 20.11.01 to enable the respondents to file written statement.

IC Usha
Member

Vice-Chairman

No written statement has been filed.

pg

By
19.11.01

20.11.01 List on 24/12/01 to enable the respondents to file written statement.

IC Usha
Member

Vice-Chairman

No written statement has been filed.

mb

24.12.01 List on 29.1.2002 to enable the respondents to file written statement.

No WTS has been filed.

By
29.1.02

IC Usha
Member

Vice-Chairman

mb

29.1.02 List on 27.2.2002 to enable the respondents to file written statement.

IC Usha
Member

Vice-Chairman

mb

27.2.02 No written statement so far is filed. List on 1.4.2002 to enable the respondents to file written statement.

No written statement has been filed.

mb

By
24.4.02

1.4.02 At the request of Mr. S. Sarma, learned counsel for the Respondents two weeks time is allowed to file written statement.

List on 26.4.2002 for orders.

IC Usha
Member

mb

(3)

O.A. No. 295 of 2001

Notes of the Registry	Date	Order of the Tribunal
	26.4.02	List on 24/5/2002 to enable the Respondents to file written statement.
<p><u>6.5.2002</u> W/S submitted by the Respondents.</p>	mb	<p>L C U Shrivastava Member</p> <p>Vice-Chairman</p>
<p>No.1 responder has been buket.</p> <p><u>28</u> <u>18.6.02</u></p>	24.5.92	<p>Written statement has been filed List the matter for hearing on 19.6.2002. The applicant may file rejoinder, if any, within two weeks from today.</p> <p>Vice-Chairman</p>
	19.6.02	<p>On the prayer made by both the parties the case is adjourned to 28.6.2002. The applicant as well as the respondents in the meantime obtain proper instruction from the parties so that the case can be finalised on the next date. Mr S.Sarma, learned counsel for the respondents is also requested to produce the connected records.</p>
<p><u>25.6.2002</u> Response submitted by the applicant is reply to W/S.</p> <p><u>28</u></p>	pg	<p>L C U Shrivastava Member</p> <p>Vice-Chairman</p>

D.A. 296 of 2001

Notes of the Registry	Date	Order of the Tribunal
Judgment order dtd 28/6/02 Communicated to the parties Counsel & the applicant b/s A.R.Jay 8/7. Received copy to J.L. Sorkin Advocate 10/7/02	28.6/02	Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The applica- tion is disposed of in terms of the order. No order as to costs.

I.C.Usha

Member


Vice-Chairman

mb

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. No. 295 of 2001.

DATE OF DECISION 28-6-2002.

Shri Rabindra Chandra Dey

APPLICANT(S)

Sri A. Chakraborty

ADVOCATE FOR THE APPLICANT(S)

— VERSUS —

Union of India & Ors.

RESPONDENT(S)

Sri J.L.Sarkar, Rly. Standing counsel for the
ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?
5. Judgment delivered by Hon'ble Vice-Chairman.

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 296 of 2001.

Date of Order : This the 28th Day of June, 2002.

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

Sri Rabindra Chandra Dey,
Goods Driver, Badarpur,
N.F.Railway.

...Applicant

By Advocate Sri A.Chakraborty.

- Versus -

1. Union of India,
represented by the General Manager,
N.F.Railway, Maligaon,
Guwahati.

2. Senior Divisional Mech.Engg(IC),
N.F.Railway, Lumding.

3. Assistant Mech. Engineer,
N.F.Railway, Badarpur.

...Respondents

By Sri J.L.Sarkar, Railway standing counsel.

O R D E R

CHOWDHURY J.(V.C)

The only issue involved in this application is pertaining to allotment of a Railway quarter. The applicant is serving under the respondents as a Driver at Badarpur station. He was allotted with a quarter and subsequently the same was cancelled. The applicant moved this Tribunal against the order of cancellation. During the pendency of this application the applicant was allotted Railway Quarter No. L/49 Type II(Elect) at Badarpur on vacation by Shri D.N.Mazumdar, Ex Driver vide order dated

4.3.2002. Therefore no further direction is necessary. Mr.A.Chakraborty, learned counsel for the applicant however submitted that though the quarter was allotted as far back as 4.3.2002 he was yet to be handed over with the quarter and it was kept under lock and key under the Loco department. Mr J.L.Sarkar, learned standing counsel for the respondents stated that he has no instruction on the matter.

2. Admittedly, the quarter is allotted to the applicant. Unless the same is cancelled, there is no justification for not giving the vacant possession to the applicant, more so when the quarter is vacant. In the circumstances, the respondents are directed to look into the matter and take appropriate steps for delivering the possession of the allotted quarter to the applicant.

With this observation the application stands disposed of. There shall, however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN

1/5/01
13/5/01
Rabindra Ch. Dey
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI.

O.A. No. 276 of 2001.

Sri Rabindra Chandra Dey
.. Applicant

Vs.

Union of India and ors.

.. Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Petition	1 to 8
2.	Verification	9
3.	Annexure - A	10 - 12
4.	Annexure - B	13
5.	Annexure - C	14

Filed by -

Rabindra Ch. Dey
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI.
BENCH AT GUWAHATI.

O.A. No. of 2001.

Sri Rabindra Chandra Dey

vs.

Union of India and others

BETWEEN

Sri Rabindra Chandra Dey
Goods Driver, Badarpur,
N.F. Railway.

... Applicant

-And-

1. Union of India,
Represented by the General Manager,
N.F. Railway, Maligaon, Guwahati.
2. Senior Divisional Mech. Engg(IC),
N.F. Railway, Lumding.
3. Assistant Mech. Engineer,
N.F. Railway, Badarpur.

... Respondents

DETAILS OF THE APPLICATION :

1. Particulars for which the application is made :

This application is made for cancellation of
Order dated 7.6.2001 issued by the Assistant Mech.Engineer.

File by
Ran Chandra Ch. Dey
Apprentice/Postman
Chakradhar
Sarkar
1/6/01

2.

N.F. Railway, Baderpur whereby cancelled the earlier order of allotment of Railway Qr. No. L/49, Type (II) to the applicant vide Memo No.M/BP/Qrs./Allot/2000-2001 dated 5.6.2001 and for enforcement of order dated 5.6.2001 allotting the Qr. No. L/49 in favour of the applicant.

2. JURISDICTION :

The applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. The applicant declares that the application is within the period of limitation.

4. FACTS OF THE CASE :

4.1. That the applicant is a citizen of India and as such is entitled to the rights and privilege guaranteed by the Constitution of India.

4.2. That the applicant was appointed on 20.6.1974 as Group 'D' staff (i.e. Engine cleaner) in Mechanical Department at Lumding in the District of Nagaon and in 1976 a type I Quarter was allotted to him.

4.3. That the applicant was subsequently promoted to the post of Fireman 'C' in the year 1979, then to Fireman 'B' in the year 1982 and from that year he

3.

became entitled to type II Qr. Thereafter, in the year 1983 promoted to the post of Fireman A but he was not provided with Type II Qr. Thereafter, on 23.10.89 he applied for allotment of a type II Quarter. But his application for type II quarter had not been considered.

4.4. That on 15.9.95 the Asstt. Mechanical Engineer, Badarpur, N.F. Railway published a priority list of regular Class III staff for allotment of Type II Quarters vide Memo No./BP/ Ars. (Priority)/95 prepared on the basis of date of applications made by the Class III staff for Type - II Quarters. The name of the applicant has been shown in priority list dated 15.9.95 at serial No. 6.

Copy of the said priority list dated

15.9.95, is annexed herewith as Annexure-A.

4.5. That the applicant was further promoted to the post of Shunter under LF/BPB on 8.3.91 and was qualified to be entitled with type III quarter and as such on 20.3.97 the applicant submitted another application for allotment of type III quarter. Thereafter the applicant remain silent with a fond hope that his applications submitted before the

Respondents would be considered as per priority list as well as on the basis of promotions. But the Respondents did not consider the same.

4.6. That the applicant after waiting for a long time and having no alternative submitted another application on 15.5.2001 before the Sr. Divisional Mech. Engineer (I.C.), N.F. Railway, Lumding stating all communications made with the authority and lastly prayed to allot him Quarter No. L/49 at GRP Colony (Type - II) which would be vacated on the retirement of Sri Dayamoy Nath, LI/BPB w.e.f. 30.6.2001. Thereafter the said application was handed over to D. LF/BPB on 18.5.2001 for remarks.

A copy of the said application dated

15.5.2001 is annexed herewith as

Annexure - B.

4.7. That in pursuance of the application dated 15.5.2001 the Asstt. Mech. Engineer, N.F. Railway, Badarpur vide order dated 5.6.2001 informed the applicant that on vacation of Railway Qr. No. L/49 type II () Badarpur by Sri D.N. Mazumdar, Sr. L.I. /BPB was allotted to the applicant issued under Memo No. M/BP/Qrs/Allot/2000-2001 dated 5.6.2001 and the applicant was requested to act accordingly within 7 days from the receipt of the order.

Rajendra Ch. D. O. Y.

5.

Copy of the said allotment order issued by the Asstt. Mech. Engineer N.F. Railway dated 5.6.2001 is annexed herewith as Annexure - C.

4.8. That the applicant received the said order on 5.6.2001 itself and was supposed to act as per order, but as the said Qr. was not vacated by Sri Majumder he could not move. It is surprising enough that the applicant came to know from reliable source that an order dated 7.6.2001 was issued by the Asstt. Mech. Engineer vide Office Memo No. ADME/BPB's L/No.M/BP/Qrs./ Allot/2001 dated 7.6.2001 to the effect that the order dated 5.6.2001 by which the Qr. No.L/49 was allotted to the applicant has been cancelled. The applicant craves leave of the Hon'ble Tribunal for directing the Respondent to produce the said letter.

Copy of the said allotted order dated 5.6.2001 is annexed herewith as Annexure - C.

4.9. That the applicants states that the Respondents acted illegally and arbitrarily while cancelling the order dated 5.6.2001 as neither any reason for cancellation has been given nor an opportunity of being heard has been provided to the applicant which clearly violates the provisions of Article 14 of the Constitution and the principles of natural

justice. Moreover, the Respondents acted illegally and arbitrarily in allotting the type II Quarters to others junior to him without following the sequence of priority list.

5. Grounds for relief with legal provisions :

5.1. For that the Respondents have acted illegally and arbitrarily in not considering the case of the applicant as per priority list 15.9.95.

5.2. For that the Respondents acted illegally and arbitrarily in cancelling the order dated 5.6.2001 whereby the Qr. No. L/49 was allotted to him, the same was cancelled without showing any cause and without serving any opportunity of being heard.

5.3. For that the applicant being a senior and holding a post qualifying him to be entitled a type III quarter/or Bungalow the Respondents acted beyond its jurisdiction in non considering the case of the applicant since 1989.

5.4. For that the Respondents all along acted whimsically and arbitrarily in allotting the type II Quarters without following the dequence (seniority) of the priority list dated 15.9.95.

16
Rajindra Ch. K. D.

7.

6. Details of remedies exhausted :

The applicant states that there is no remedy under any rule and this Hon'ble Tribunal is the only remedy.

7. Matter not pending with any court :

The applicants declares that there is no case pending before any other court/Tribunal.

8. Relief claimed for :

Under the facts and circumstances of the case the applicant prays the following reliefs :

8.1. The order dated 7.6.2001 issued by the Asstt. Mech. Engg. cancelling the order dated 5.6.01 is liable to be set aside and cancelled.

8.2. The order dated 5.6.01 issued by the Asstt. Mech. Engineer, N.F. Railway Badarpur may be enforced/ or implemented with immediate effects.

8.3 Other relief or reliefs as your Lordship may deem fit and proper.

8.

9. Interim relief/order if any prayed for.

In the interim measure the order cancelling the allotment dated 7.6.2001 passed by the Assistant Mechanical Engineer may be stayed pending disposal of the original application.

10. The application has been filed through Advocate.

11. Particulars of Postal Order.

- i) I P O No. 66791919
- ii) Date of Issue : 27-07-2001
- iii) Issued from : GUWAHATI
- iv) Payable at : GUWAHATI

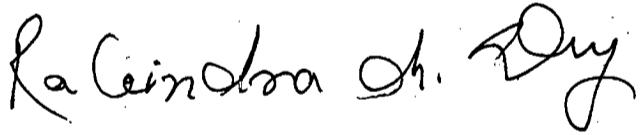
12. Particulars of Enclosures :

As stated in the index.

VERIFICATION

I do hereby verify that the statements made in this petition and in paragraphs 1, 2, 3, 4(1) to 4(3), are true to my knowledge and those made in paragraphs 4(4) & to 4(6) are true to my information derived from the record which I believe to be true and the rest are my humble submission.

I sign this verification on this 30th day of July, 2001 at Guwahati.



Deponent.

N.F.Rly

No. M/BP/Ors. (Priority)/95Office of the
AME/BPB.To
LF/BPB, CNS/BPB
N.F.Rly.

dt. 15.02.95

Sub:- Priority list of staff for allotment
of Ors. at BPA (Carr. & Loco).

Enclosed please find the priority of staff for allotment of Ors. of different Categories of staff for your guidance and wide circulation among the staff through notice board.

DRM/NFRMU = Pages twelve (12)
SFN/1 to 12
NFRMU = ... to ...
LF/BPB = Pages nine (9)
CNS/BPB = Pages nine (9)
16 to 12

(P.M. MECH. ENGINEER)
Asstt. Mech. Engineer/Badarpur
N.F. Railway
N. F. Railway/Badarpur

Copy to :-

1) DRM(P)/LMG for information please.
2) LF, CNS/BPB for information
3) Ex. Secretary, NFRMU & NFRMU/BPB. and necessary
action please.

15/2/95
Asstt. Mech. Engineer/Badarpur
N.F. Railway. 15/2/95
N. F. Railway/Badarpur

15/2/95
N. F. Railway/Badarpur

Priority list of RG, class III (Staff) applied for type II Gras.
(with ext. qrs.)

Sr.	Name.	Design.	Date of application.	Remarks.
1.	Sri, Samar Ranjan Choudhury	DAD	06.03.88.	
2.	Sri, Arun Kr, Nath, Das	Shuntor	10.04.88.	
3.	Sri, P.K.Horo, P.	'Dr'	10.04.88.	
4.	Sri, D.C.Nath.	'Dr'	12.04.88.	
5.	Sri, Badal Duttas	F/Man.	22.12.88.	
6.	Sri, Rabindra Ch, Doy.	F/Man.	23.01.89.	
7.	Sri, Sibu Lal Doy.	F/Man.	12.07.89.	
8.	Sri, Rakhal Ch, Mazumdar.	F/Man.	25.07.89.	
9.	Sri, P.K.Gupta	DAD	24.11.89.	
10.	Sri, Dilip Ch, Ghosh.	DAD	24.11.89.	
11.	Sri, Sukumar Ch, Sarker.	DAD	10.01.90.	
12.	Sri, Nibaran Ch, Doy.	DAD	01.05.90.	
13.	Sri, Sudhangshu Kr, Das.	F/Man.	30.07.90.	
14.	Sri, Bimal Kr, Nath.	F/Man.	10.08.90.	
15.	Sri, Birendra Ch, Das. - II	DAD	13.08.90.	
16.	Sri, Nani Gopal Das.	DAD	29.01.91.	
17.	Sri, Dilip Doy. (Transfer)	DAD	15.02.91.	
18.	Sri, Prabir Ch, Roy.	F/Man.	10.04.91.	
19.	Sri, Ranjit Kr, Das. - I	DAD	10.04.91.	
20.	Sri, Jibon Das Gupta.	'Dr'	08.06.91.	
21.	Sri, Satyendra Kr, Nath, Doy.	'Dr'	24.08.91.	
22.	Sri, Santi Kr, Das.	DAD	24.08.91.	
23.	Sri, Kajal Ch, Roy.	DAD	06.09.91.	
24.	Sri, N.C.Das.	F/Man.	25.10.91.	
25.	Sri, Kenu Ch, Das.	F/Man.	26.10.91.	
26.	Sri, K.K.Horo.	DAD	21.03.92.	
27.	Sri, Swapnil Kr, -Das - I	F/Man.	26.03.92.	
28.	Sri, Basutosh Nath.	F/Man.	29.03.92.	
29.	Sri, Swapnil Choudhury.	DAD	09.04.92.	
30.	Sri, Pranab Kr, Das.	F/Man.	10.05.92.	
31.	Sri, Kartik Chakraborty.	F/Man.	04.06.92.	
32.	Sri, Rajendra Pd, Upadhyay.	DAD.	16.06.92.	
33.	Sri, Nitin Kr, Barman.	F/Man.	11.06.92.	
34.	Sri, Birendra Ch, Roy.	F/Man.	26.06.92.	published in type II (w/out) list.
35.	Sri, Badal Ch, Roy.	F/Man.	01.09.92.	
36.	Sri, Shyama Pd, Chakraborty.	F/Man.	13.09.92.	
37.	Sri, Apurba Deb.	DAD	20.10.92.	
38.	Sri, Dilip Kr, Das.	F/Man.	01.01.93.	
39.	Sri, Ganga Pd, Gosala.	'Dr'	19.01.93.	
40.	Sri, Shyamal Ch, Doh.	DAD	04.03.93.	

Contd....P/2.

Form 2

Sl. No.	Name.	Design.	Date of application.	Remarks.
41.	Sri, Swapnil Dey.	F/Men.	28.05.93.	
42.	Sri, Shyam Raj Muchi.	F/Men.	12.06.93.	
43.	Sri, Jagedish Ch. Nandy.	F/Men.	22.06.93.	
44.	Sri, Pradip Ch. Malaker.	F/Men.	08.07.93.	
45.	Sri, Dulal Ch. Dey.	F/Men.	08.07.93.	
46.	Sri, Manik Ch. Dey - I	DAD	06.10.93.	
47.	Sri, Nagnath Brahma.	F/Men.	18.10.93.	
48.	Sri, Jantu Das.	F/Men.	03.01.94.	
49.	Sri, Uttam Barhman.	F/Men.	04.01.94.	
50.	Sri, Roma Sankar Singh. ✓	F/Men	08.01.94.	
51.	Sri, Manik Barhman.	F/Men.	10.01.94.	
52.	Sri, P.C. Chakraborty.	F/Men.	02.02.94.	
53.	Sri, Suchanchchu Kr. Das.	DAD	19.03.94.	
54.	Sri, Prasanna Kr. Singh.	DAD.	23.03.94.	
55.	Sri, P. D. Dey.	F/Men.	24.08.94.	
56.	Sri, Binod Bohrajan.	F/Men.	06.10.94.	
57.	Sri, Setya Narayan Patwari.	F/Men.	02.09.95.	
58.	Sri, Sitangchhu Chanda. ✓	DAD.	07.09.95.	changing.

15/9/95
 Asstt. Meas. Engineer / P.S.
 Assistant
 S. Ct. M. F. Rly.
 M. P. Bahadur Badarpur

To
Sr. Divisional Mech. Engineer (IC),
Northeast Frontier Rly.,
Lumding.

Dated 18/05/2001.

Sir,

Sub:- Allotment of a better type
Qrs. at Badarpur.

With due respect I beg to state the following
few lines for your kind consideration please :-

Sir, I was Appointed as Group 'D' staff in the
year 1974 in Mech. Department and one Type I quarters
was allotted to me in 1976.

Sir, while I was promoted as DAD under LF/BPB
I had applied for Type-II Qrs. on 23.01.1989. But the
same was not considered.

Sir, consequent to my promotion as Shunter
under LF/BPB, I again applied for Type-III Qrs. vide
my Application dt. 20.03.1997, but even a Type-II Qrs.
was not allotted in my favour till date. In this
connection it is mentioned that some of my juniors
have been allotted with better type Qrs.

In the light of the above, I would request
your honour to kindly arrange to allot me Qrs. No. L/49
at GRP colony (Type-II) which will be vacated by
Shri Dayamoy Nath, LI/BPB due to his retirement
w.e.f. 30.06.2001.

With best regards,

Yours faithfully,

Rabindra Ch. Dey
(Rabindra Ch Dey)
GOODS DRIVER : BADARPUR.
N.F. Railway.

N F RLY

Office of the
Asstt. Mech. Engineer,
NF Railway,
Badarpur.

OFFICE ORDER

On vacation/refusal of Railway Qtr. No. L/49 Type II
(elect) at Badarpur by Shri/Smti. D. N. Majumdar ...
Design/wife of Sr. L9/BPBEx
under Asstt. M.E./BPB is allotted to Shri Rabindra Ch.
Dey, Designation Driver (G)/BPB under SSE (Loco)/BPB.

No. M/ BP/QRS/Allot/2000-2001

Dt. 5/6/2000-2001

Asstt. Mech. Engineer
N. F. Railway/BPB

Copy to :

- 1) L R M (P)/LMG for information please.
- 2) S S E (Loco, C & W, Works, Elect) Badarpur
- 3) Party concern is directed to act accordingly within 7 (seven) days from the date of receipt of this order.
- 4) Br. Sec N F Rly M.U./EU/..... for information please.

In The Central Administrative Tribunal
Guwahati Bench :: Guwahati.

O.A. NO. 296/2001

Sri R.C. Dey

... $\vee g_n$...

Union Of India & Ors.

In the matter of:

Written Statement on behalf of
the respondents.

The respondents in the above case most respectfully beg to state as under :/

1. That the respondents have gone through the original application and have understood the contents thereof.

2. That the respondents do not admit any statement except those which are specifically admitted in this written statement. Statements not admitted are denied.

3. That in reply to the statements in para 4.1 to 4.9 it is stated that Sri Dayanoy Nath Mazumder, LI/BFB by an application dated 18.06.2001 to the respondent No.3 applied for permission for retention of his quarter No. L/49 Type II for 8 months which was granted by the said respondent. The applicant was allotted the said quarter on 5.6.2001 but subsequently the allotment was canceled on 7.6.2001. Thereafter, a quarter No. T/116, Type II was allotted to the applicant by Office Order

No. M/BP/QRs/Allot/2001 dated 8.10.2001 but by a letter dated 11.10.2001 the applicant refused to accept the allotment. It is stated that the applicant was allotted similar type II quarter in the same station but he did not accept the same. It is denied that junior candidate has been given quarters superseding applicant's claim.

Copy of the allotment order dated 8.10.2001 and applicant's letter dated 11.10.2001 is enclosed as Annexure- R/1 and R/2 respectively.

4. That in the facts and circumstances of the case the application deserves to be dismissed with cost.

Verification

I, Sri Trikalagya Rabha, working as Senior Divisional personnel officer, N.F.Rly., Limding do hereby verify that, the statements made in the paragraphs 1 to 9 are true to my knowledge.

Guwahati

/2002

Type 11

Trikalagya Rabha

Signature

वरिष्ठ नियमित अधिकारी
Sr. Divl. Personnel Officer
गु. नो. रेलवे, लामडिंग
N. F. Rly., L. d. d. g

5/6 Me/11
7/6 Concl
8/10 Add'l 11/10 Regd.

25

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

Case No. O.A. 296 of 2001

Shri Rabindra Ch. Dey

... Applicant

- Verus -

Union of India & Ors.

... Respondents.

A rejoinder to the Original Application
filed by the applicant being O.A.No.296/2001.

- And -

In the matter of :

Order dated 4.3.2002 passed by the
Assistant Divisional Mechanical Engineer,
N.F.Railway, Badarpur re-issuing the
allotment of quarter L/49 Type II.

- And -

In the matter of :

Not allowing to occupying the same by
the authority.

The above named applicant

Most Respectfully Sheweth :

1. That the applicant is highly dissatisfied of not getting the allotted Railway quarter No. L/49 type:II (elect) though the same already allotted to him by the concerned Railway authority for 2nd time and presently ~~is~~ lying vacant.

contd..2

Rabindra Ch. Dey
P. W. D. 102
M. K. Majumder 25/6/02

2. That the applicant states that after expiry of the eight months stay the said Railway quarter was vacated by Sri D.N.Majumdar, Ex-LI and thereafter the said quarter was kept under lock and key by the Loco department (Railway).

3. That the applicant submits that he already filed application before this Hon'ble Tribunal vide O.A.No. 296/2001 regarding allotment of the said quarter and the Hon'ble Tribunal was pleased to stay the allotment of the quarter to others employees.

4. That the applicant states that he already approached the higher Railway authority and informed them regarding filing of the case before the Hon'ble Tribunal. That after receipt of the notice regarding pendency of the application being O.A.No. 296/2001 the respondent ultimately passed order of allotment on 4.3.2002 with copy to the applicant and Senior Section Engineer (Loco) for necessary action. Thereafter the Assistant Mechanical Engineer (A.M.E) requested the applicant to withdraw the case since the quarter has been allotted to him.

A copy of the order dated 4.3.2002 is annexed herewith.

5. That the applicant states that during the specified time for arrangement of taking possession of the quarter, the AME at the instance of the Ex-LI Sri D.N.Majumdar, only to accommodate him in the said quarter where he has availed the extended period of 8 months which expired

in the month of February 2002, passed an illegal order keeping the allotment in abeyance.

6. That the applicant submits that the authority not only acted illegally denying the allotment of quarter but also opened the same for utilisation as marriage ceremony party on 9.5.2002 for some days and after that the said quarter again locked by the authority.
7. That the applicant states that he is denied the possession of the said quarter which has already re-allotted to him for the second time and the authority particularly AME acted arbitrarily, illegally by not handing over the same to the applicant.
8. That the applicant submits that the concerned authority violates the impugned order dated 4.3.2002 passed by the Assistant Divisional Mechanical Engineer, N.F.Railway, Badarpur for re-issue of allotment of quarter to the applicant, which was denied by the authority.
9. That the applicant submits that this application may be treated as part of the Original Application.
10. That the application is made bonafide and in the interest of justice.

It is, therefore prayed that your Lordships may be pleased to admit this rejoinder as part of the O.A and pass necessary order to show cause the respondents as to why the said quarter shall not be ^{allowed to} possessed by the applicant as the same has already been allotted to him by the authority for the second time.

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C

V E R I F I C A T I O N

I, do hereby verify that the statements made in this rejoinder in paragraphs 1, 2, 5, 7 and to 10 are true to my knowledge, and those made in paragraphs 4 to — are true to my information derived from the records which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

I, sign this verification on this 20th day of June 2002.

Rabindra Ch. Ray
Deponent