

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

✓ (DESTRUCTION OF RECORD RULES, 1990)

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

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SECTION OFFICER (Judl.)

FORM NO. 4

( See Rule 42 )

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

ORDER SHEET

APPLICATION NO. 296 OF 2001

APPLICANT (S) R. Ch. Dey.

RESPONDENT (S) 12072078.

ADVOCATE FOR APPLICANT(S) Mr. M.K. Mazumdar

ADVOCATE FOR RESPONDENT(S) Mr. A. Chakraborty

ACy Counsel

Notes of the Registry

dated

Order of the Tribunal

7.8.01

The application is admitted. Call for records.

Issue notice to show cause as to why the interim as prayed for shall not granted. Returnable by three weeks.

List on 31/8/01 for further order.

CC Ushan  
Member

h  
Vice-Chairman

mb

31.8.01

List on 13/9/01 for order.

mb

13.9.01

The respondents are yet to file written statement.

Issue notice on 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 re-allotment of 1/49 type II Qtr. occupied by Shri D.N. Majumdar till the returnable day.

List on 11/10/01 for order.

CC Ushan  
Member

h  
Vice-Chairman

27  
30.8.01

No. 12072078 has been filed.

27  
10.10.01

Application is in form  
of a petition filed vide  
M. P. N. C. F.  
for Rs 50/- deposited vide  
IPO/BD No. 69 79/919  
Dated 27-7-2001

h  
Dy. Registrar

Remits has been  
filed. Empls not Supplied  
3/8/2001

Notice prepared and sent to  
D/S. for viewing the respondent  
No 1207 by Regd A.D. vide  
J.N. 3000 W 3002 dated 13/8/01

10/8/01

① Service report are still  
awaited.

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

No. written statement has been filed.

Member

Vice-Chairman

pg

By  
19.11.01

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

No. written statement has been filed.

Member

Vice-Chairman

mb

By  
21.12.01

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

No. WLS has been filed.

Member

Vice-Chairman

mb

By  
28.1.02

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

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.

Member

Vice-Chairman

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.

Member

mb

3

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.

1.5.2002

W/S submitted by the Respondents.

*ICC Shau*  
Member

*[Signature]*  
Vice-Chairman

mb

24.5.02

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.

No rejoinder has been filed.

18.6.02

*[Signature]*  
Vice-Chairman

mb

19.6.02

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.

25.6.2002

Rejoinder submitted by the applicant in reply to W/S.

*ICC Shau*  
Member

*[Signature]*  
Vice-Chairman

pg

Notes of the Registry

Date

Order of the Tribunal

28.602

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is disposed of in terms of the order. No order as to costs.

100 Shary  
Member

Vice-Chairman

mb

Judgment order dtd 28/6/02  
Communicated to the parties  
Counsel & the applicant

8/6  
ABJ  
8/7

Received copy  
for J.L. Sanyal  
Advocate  
10/7/02

6

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./R.A. No. . 296 . . . . . 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


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)

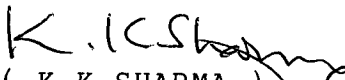
The only issue involved in this application is pertaining to allotment of a Railway quarter. The applicant is serving under the respondents as a Driver at Badarpur station. He was allotted with a quarter and subsequently the same was cancelled. The applicant moved this Tribunal against the order of cancellation. 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


contd..2

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 the 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



17/8/01

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

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3.	Annexure - A	10-12
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5.	Annexure - C	14

Filed by -

Advocate.

*[Signature]*

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,

10  
Filed by  
R. C. Chandra Ch. Dey  
Applicant/Petitioner  
Chandra Ch. Dey  
Petitioner/Respondent

2.

N.F. Railway, Baderpur wherby 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 inforcement of order dated 5.6.2001 allotting the Qr. No. L/49 in favour of the applicant.

*Day*  
*Rabindra Ch*

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 Mechancial Department at Lunding 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 23.12.89 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

12  
Rabindra Ch. Dey

4.

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.

12  
Rajendra Ch. Xing

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.

*[Faint, illegible text]*

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

14  
Rajendra Ch. Dey

6.

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.

15  
Raleindra Ch. Day

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 implimented with immediate effects.

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

16  
Rabinendra Ch. Nayak



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. 66 79 1919
- ii) Date of Issue : 27-07-2001
- iii) Issued from : GUWAHATI
- iv) Payable at : GUWAHATI

12. Particulars of Enclosures :

As stated in the index.

12  
Rebinder ch. Rany

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) ~~is 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 30<sup>th</sup> day of July, 2001 at Guwahati.

Ra Gindra Sh. Dey

Deponent.

M.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 BPD (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.

DR/- NFRMU = Pages 1 to 12  
NFRMU = 1 to 12  
LF/BPD = Pages 1 to 9  
CNS/BPB = Pages 1 to 12

(P.A. MEETDER)  
Asstt. Mech. Engineer/Badarpur  
N. F. Railway/Badarpur

Copy to :-

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

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

N. F. Railway/Badarpur

Priority list of Rg. class III (Staff) applied for type II Gsa.  
( with ext gsa, )

Sr.	Name.	Design.	Date of application.	Remarks.
1.	Sri, Samar Ranjan Choudhury	DAD	06.03.88.	Changing.
2.	Sri, Arun Kr, Nath. Das	Shunter	10.04.88.	
3.	Sri, P.K.Horo.	'Dr'	10.04.88.	
4.	Sri, D.C.Nath.	'Dr'	12.04.88.	
5.	Sri, Babul Dytta.	F/Man.	22.12.88.	
6.	Sri, Rabindra Ch, Doy.	F/Man.	23.01.89.	
7.	Sri, Sibul 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, Suchangshu Kr, Das.	F/Man.	30.07.90.	
14.	Sri, Bimal Kr, Nath.	F/Man.	10.08.90.	
15.	Sri, Birandra 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.	'Dr'	24.08.91.	
22.	Sri, Senti 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, Karu Ch, Das.	F/Man.	26.10.91.	
26.	Sri, K.K.Horo.	DAD	21.03.92.	
27.	Sri, Swapan Kr, -Das -I	F/Man.	26.03.92.	
28.	Sri, Basutoch Nath.	F/Man.	29.03.92.	
29.	Sri, Swapan Choudhury.	DAD	09.04.92.	
30.	Sri, Pranab Kr, Das.	F/Man.	10.05.92.	
31.	Sri, Kartic Chakraborty.	F/Man.	04.06.92.	
32.	Sri, Rajendra Pd, Upadhyay.	DAD.	16.06.92.	
33.	Sri, Mihir Knt, Barman.	F/Man.	11.06.92.	
34.	Sri, Bireesh 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, Shyma 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, Guala.	'Dr'	19.01.93.	
40.	Sri, Shymal Ch, Deb.	DAD	04.03.93.	

Contd.....P/2.

Page 2

Sl. No.	Name.	Desig.	Date of application.	Remarks.
41.	Sri, Suman Dey.	F/Man.	28.05.93.	
42.	Sri, Shyam Raj Muchi.	F/Man.	12.06.93.	
43.	Sri, Jagadish Ch. Nandy.	F/Man.	22.06.93.	
44.	Sri, Pradip Ch. Malaker.	F/Man.	05.07.93.	
45.	Sri, Dulal Ch. Dey.	F/Man.	08.07.93.	
46.	Sri, Manik Ch. Dey - I	DAD	06.10.93.	
47.	Sri, Nagnath Brahma.	F/Man.	18.10.93.	
48.	Sri, Jantu Das.	F/Man.	03.01.94.	
49.	Sri, Uttam Sarchan.	F/Man.	04.01.94.	
50.	Sri, Rama Sankar Singh.	F/Man.	08.01.94.	
51.	Sri, Manik Barchan.	F/Man.	10.01.94.	
52.	Sri, P.C. Chakraborty.	F/Man.	02.02.94.	
53.	Sri, Suchan Singh Kr. Das.	DAD	19.03.94.	
54.	Sri, Prasanna Kr. Singh.	DAD.	20.03.94.	
55.	Sri, P. D. Deth.	F/Man.	24.08.94.	
56.	Sri, Binod Bohari.	F/Man.	06.10.94.	
57.	Sri, Satya Narayan Patwari.	F/Man.	02.09.95.	
58.	Sri, Sitangchu Chanda.	DAD.	07.09.95.	changing.

15/9/95  
 Asst. Mech. Engineer / Rly.  
 Assistant  
 S. C. Rly.  
 M. D. Railway/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/Smt. D. N. Majumdar ...  
Design/wife of Sr. L9/BPB ..... Ex .....  
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.

-61142002-  
In The Central Administrative Tribunal  
Guwahati Bench at Guwahati.

O.A. NO. 296/2001

Sri R.C. Dey

- Vs. -


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 Dayamoy Nath Mazumder, LI/BPB 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

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Sr. Divl. Officer  
गु.सी.एन.डी., कापड़िया  
N. F. Rly., L. ding  
F. Rly. Sec. Sec. Sec.  
Chattopadhyay  
6/15/2002



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, Linding do hereby verify that, the statements made in the paragraphs 1 to 9 are true to my knowledge.

Type III

Trikalagya Rabha

Guwahati

Signature

/2002

वरिष्ठ कर्मिक अधिकारी  
Sr. Divl. Personnel Officer  
गु.सी.रेलवे, लामदिंग  
N. F. Rly., L. ding

5/6 Melli  
7/6 Conner  
8/10 -  
11/10 - Regd.  
Type II

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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 ~~ix~~ lying vacant.

contd..2

*Rabindra Ch. Dey*  
P. by Mr. Appellant through  
Mr. K. Majumdar Assam  
25/6/02

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10/2/20

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-alloted 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 <sup>allowed to</sup> possessed by the applicant as the same has already been allotted to him by the authority for the second time.

....Verification

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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.

Ra Gindan Ch. Dug  
Deponent