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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 370/2001

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SECTION OFFICER (Judl.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

APPLICATION NO. 370/2001

Applicant (S) Manika Priswan (Dn)

Respondant(S) U.O.T. GOM

Advocate for the Applicant: P. K. Twari, U. K. Goswami

Advocate for the Respondant: Railway Council

Notes of the Registry

Date

Order of the Tribunal

19.9.01

Heard learned counsel for the applicant.

The application is admitted. Call for the records.

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

List on 3/10/01 for further order

Vice-Chairman

mb

3.10.01

List after four weeks to enable respondents for filing of written statement. List on 23.11.2001 for further order.

Vice-Chairman

bb

No written statement
has been filed.

2/11/01

Application in form
but not in form
Petition in form
M. P. No. X C F
for Rs. 50 deposited vide
IPO/BD No 70 548537
Dated 11.8.2001

Dy. Registrar

13/9/01

13/9/01

Steps taken
without envelops.

13/9/01

Notice prepared and sent
to A's for issue the Respondent
No 1 to 4 by Regd A.D.
24/10/01

DINo 3599 W 97 24/10/01

$$\frac{24}{20 \cdot 12 \cdot 0}$$

Vice-Chairman

103

List on 23.1.2002 for order.

By _____
22.1.02.

ICU Shaw
Member

mb

At the request of Mr. J. L. Sarkar
learned counsel for the respondents
four weeks time is allowed for filing
of written statement. List on 22.2.02
for orders.

21.2.02

Member

1m

22.2.02

List on 27.3.02 to enable the Respondents to file written statement.

26.302

Member

1m

27.3.02

Four weeks time is allowed to the Respondents to file written statement. List on 24.4.2002 for orders.

23.4.02

Vice-Chairman

24.4.2002

No written statement so far filed by the respondents. List the case again on 24.5.2002 for filing of written statement.

23.502

Vice-Chairman

bb

Notes of the Registry Date

Order of the Tribunal

24.5.02

No written statement so far filed. Considering the facts and circumstances of the case, I am of the view that the matter shall be heard expeditiously. Let the matter be listed for hearing on 28.6.2002. The Respondents may file written statement within three weeks from today and the applicant may also file rejoinder, if any, on the receipt of the written statement.

Vice-Chairman

mb

10.6.2002

W/s submitted by the Respondents.

AS

No rejoinder has been filed.

27.6.02

2.7.02

Heard both the Counsel. Judgment reserved.

By order

List on 10.7.02 for ^{future} hearing.

On that day the learned counsel for the respondents shall produce the Audit Inspection Report ^{as mentioned in} Annexure A/10 as well as the Statutory/executive instructions for realising damage rent. The learned counsel is requested to place the records before us.

Member

Vice-Chairman

lm

Notes of the Registry

Date

Order of the Tribunal

Notes of the Registry


Date

Order of the Tribunal

10.7.2002

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

IC (Shan)
Member


Vice-Chairman

nkm

*File 10/02
(Applicant Advocate)
Judgment / Order dtd.
10/7/02 Communicated
to the applicant & the
parties concerned.*

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 370 of 2001

Date of Decision.....10.7.2002

Smt Manika Biswas (Das)

-----Petitioner(S)

Mr P.K. Tiwari and Mr U.K. Goswami

-----Advocate for the
Petitioner(s)

-Versus-

The Union of India and others

-----Respondent(s)

Mr J.L. Sarkar, Railway Counsel

-----Advocate for the
Respondent(s)

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 ?

Judgment delivered by Hon'ble : Vice-Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.370 of 2001

Date of decision: This the 10th day of July 2002

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr K.K. Sharma, Administrative Member

Smt Manika Biswas (Das),
Head Clerk under Senior Section Engineer
(Carriage and Wagon),
N.F. Railway,
Badarpur, Assam.

.....Applicant

By Advocates Mr P.K. Tiwari and Mr U.K. Goswami.

- versus -

1. The Union of India, through the
Secretary to the Government of India,
Ministry of Railways,
Railway Board,
New Delhi.

2. The General Manager,
N.F. Railway,
Maligaon, Guwahati.

3. The Divisional Railway Manager (P),
N.F. Railway, Lumding.

4. The Senior Divisional Mechanical Engineer,
N.F. Railway,
Lumding.

.....Respondents

By Advocate Mr J.L. Sarkar, Railway Counsel.

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The legitimacy of the action of the respondents in recovering damage rent from the applicant for the period from April 1993 to 31.8.1998 pursuant to the impugned order No.M-258/LM/70 dated 12.1.2001 and order No.M-258/LM/70 dated 8.2.2001 is the subject matter of controversy in this application.

h

2. The father of the applicant, late Amulya Kumar Das, was a Senior Clerk of Loco Shed at Badarpur, N.F. Railway. While serving as such he died on 13.4.1993, leaving behind his wife, Smt Nani Bala Das, the applicant and her three sisters and two brothers. The applicant at that time was sixteen years old and a student of Class X. The youngest of her brothers was three years old at the time of death of her father. After four months the children lost their mother also, who expired on 18.8.1983. They refused to accept that the worst was inevitable. They could stand tall and firm. The young girl rose to the occasion and came forward to shoulder the entire responsibility of the family. The Railway Administration also took a compassionate view of the matter and the children were allowed to remain in the Railway Quarter and on attainment of maturity, the applicant was given appointment in the Railways on humanitarian ground on 12.11.1986. After such appointment the applicant formally occupied the Quarter of her father, i.e. Quarter No.L/285 (B) Type-II(Elect.) at Saheb Colony, Badarpur. The applicant continued to live with her minor brothers and sisters and took care of them. On 26.2.1993 the applicant got married to one Shri Sudhangshu Biswas, another Railway employee who was posted at Badarpur. The applicant's husband was also allotted a Railway Quarter No.L/42 (B) Type-I and the applicant started living with her husband and her brothers and sisters continued to live in her Quarter, though she had to supervise and take care of them. The applicant's husband was later on allotted a different Railway Quarter No.577 (E) Type-II and accordingly the applicant and her husband vacated the earlier Quarter allotted to her husband and occupied the new Quarter allotted to them. The other Railway Quarter allotted to the applicant was continued to be used by her six minor brothers and sisters.

3. The applicant submitted an application dated 25.5.1993 for allowing her to retain the Quarter allotted to her so long marriage of her unmarried sisters were not solemnised and so long her minor brothers did not attain self-dependence. Despite the application dated 25.5.1993 the Railway Administration directed the applicant to surrender the Quarter allotted to her, namely Quarter No.L/285 (B) Type-II (Elect.) at Badarpur. The applicant again submitted a representation dated 22.6.1993 before the authority praying for retention of the Quarter No.L/285 (B) Type-II (Elect.) in favour of her minor sisters and brothers. By communication dated 30.8.1993 the applicant was informed about the extant rules indicating that where two employees in occupation of separate residence at the same station, allotted under the Railway Rules, marry one another, they were to surrender one of the residences within one month from the date of their marriage. By the said communication the applicant was accordingly advised to surrender one of the two Quarters within one month, else the allotment of the Railway Quarter would be deemed to have been cancelled on the expiry of such period. The applicant submitted another representation referring to the Circular dated 1.9.1992. By communication dated 20.12.1993 the applicant was informed as follows:

"In terms of Rly. Bd's circular letter No.E(G)89 QR 2-21 dt. 11.8.92, Smt Manika Biswas, Sr. Clerk under LF/BPB may retain Qrs: No.L/285(B) Type II (Elec) at Saheb Colony/BPB till maturity of her dependents. This is in supersession of this office order of even No. dated 30.8.93."

The Authority thereafter issued the following order:

"In terms of CPO/MLG's circular Misc./1496 dated 01.09.1992 Smt. Manika Das E/9/0-1(C) pt.IV (now Manika Biswas) Sr. Clerk under SSE/Loco/BPS claimed that she was entitled to retain the Qrs.

No.....

No.L/285(B) Type II (Elect.) at Saheb Colony, BPB to look after her minor brother & sister.

The then Sr. DME(P)/LMG in the appeal of Smt Manika Biswas allowed her to retain the Qrs. on normal rent.

But in terms of CPO/MLG's circular No. mentioned above it is understood that married girls can also retain the Qrs. if she does not have adult brother & sister to look after her parent.

But in this case Smt. Manika Biswas has not been looking after her parents as both her father & mother had expired. She claimed that she has been entitled to retain the Qrs. for looking after her minor brother & sister instead of her parents in terms of CPO/MLG's circular mentioned above.

But the circular does not entitle her the scope she has claimed.

As such Smt. Biswas has to vacate the Qrs. at the earliest."

By the aforesaid order dated 12.8.1998 the representation/appeal of the applicant was finally turned down and the applicant was advised to vacate the Quarter at the earliest. The applicant thereafter also submitted representation entreaty for retention of the Quarter and finally she vacated the Quarter allotted to her in December 1998. When things rested in this fashion, the impugned order dated 12.1.2001 was passed imposing damage rent of Rs.1,20,120/- at the rate of Rs.1848/- per month for the period from April 1993 to 31.8.1998 for sixtyfive months. The said communication also indicated that the maturity period of her brother was considered as 18 years on 1.1.1993. By a memorandum dated 19.1.2001 the applicant was informed about the recovery of the above mentioned amount of damage rent at the rate of Rs.1000/- per month was made provisionally from January 2001 on instalment basis. The applicant was also informed that if agreed to, the recovery amount could be increased. The applicant again submitted a representation dated 1.2.2001 assailing the action of the respondents. By the impugned order dated 8.2.2001 the respondents intimated the concerned authority about.....

that the total amount of damage rent was Rs.1,27512/- and directed the concerned authority to recover the same from the salary bill of the applicant on instalment basis under intimation to the DRM(M)'s Office, Lumding. Hence this application assailing the legitimacy of the action of the respondents.

4. The respondents contested the claim of the applicant and submitted their written statement. In the written statement the respondents mentioned about the allotment of Railway Quarter to the husband of the applicant. The respondents also mentioned about the application received from the applicant for retention of the Quarter allotted to her after her marriage. In the written statement the respondents referred to the extant rules and stated that the applicant was accordingly advised to surrender one of the Quarters within the time specified. The damage rent was imposed on the applicant as per the rules and therefore, no illegality was committed. The respondents also defended the action of recovery of damage rent as a bonafide action and the same was done as per the rules.

5. We had heard Mr P.K. Tiwari, learned counsel for the applicant, at length on 2.7.2002. On that day we also heard Mr J.L. Sarkar, learned Railway Counsel. At our instance Mr J.L. Sarkar today produced the Master Circular No.49 on allotment of Quarter and retention thereof on transfer etc. as well as the Audit Report. Mr Sarkar, referring to the Master Circular, brought to our close attention to sub-para (b) of para 2.3 of the circular, which reads as follows:

"(b) Where two employees in occupation of separate quarters at the same station allotted under railway rules, marry one another, they will, within one month of the marriage surrender one of the residences."

The learned Railway Counsel submitted that as per the Circular the applicant was married on 26.2.1993 and a duty was cast on the couple, both of whom, incidentally, were Railway employees, to surrender one of the Railway Quarters. Since it was not done the Railway authority rightly took the decision to recover the damage rent from the applicant.

6. Mr P.K. Tiwari, learned counsel for the applicant, took pain in pointing out the factual matrix of the case. The learned counsel submitted that the applicant had to shoulder the entire responsibility of the family on the sudden death of the sole bread earner of the family. The Railway Administration co-operated with her in her struggle for existence. Referring to the correspondences that took place between the parties, the learned counsel pointed out that the communication dated 30.8.1993 was superseded by the communication dated 20.12.1993. The learned counsel submitted that by communication dated 20.12.1993 the applicant was allowed to retain the Quarter allotted to her till maturity of her dependents and the said communication was issued in supersession of the Office order dated 30.8.1993.

7. We have given our anxious consideration on the entire issue. It is a tale of life's little ironies. In the end the applicant had borne the burden and heat of the day. The applicant's parents in quick succession departed from this world leaving six minor children to look after themselves. The applicant at the time of death of her parents was only sixteen years old. On attaining maturity

the.....


the Railway Administration provided her with a compassionate appointment and allowed her to retain the Railway Quarter. No doubt, under the rules one of the spouse, was to surrender one of the Quarters as mentioned in the communication dated 30.8.1993. The communication dated 20.12.1993 allowed the applicant to retain the Quarter till maturity of her dependents and Shri Kartik Das, the youngest dependent attained maturity in November 1998. At any rate, the applicant submitted her representation which was rejected on 12.8.1998 and ordered her to vacate the Quarter at the earliest. By reasonably and sensibly reading the communication dated 20.12.1993, if one took a view to retain the Quarter till maturity of the dependents, which included the youngest dependent, it cannot be said to be unreasonable and insensible on the set of facts.


8. On overall consideration of the matter, in the circumstances we find it difficult to hold that the applicant was illegally occupying the Quarter allotted to her lawfully by the authority for those sixtyfive months. In the impugned communication dated 12.1.2001 the authority only took note of the maturity of the applicant's eldest brother, Shri Ashim Das, ignoring the impression given in the communication dated 20.12.1993. For all the reasons we do not find that it was appropriate on the part of the respondents to impose the damage rent on the applicant for the sixtyfive months ranging from April 1993 to 31.8.1998. The impugned action of the respondents, therefore, cannot be sustained in law. The impugned orders No.M-258/LM/70 dated 12.1.2001,

No.....

No.PB/2(Mech)/Inspection dated 19.1.2001 and No.M-258/LM/17 dated 8.2.2001 to the extent of recovery of the damage rent for the sixtyfive months are accordingly set aside and quashed.

9. The application is accordingly allowed. There shall, however, be no order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

nkm

PKT → A/1 P20 — Order to be Librarian
Langshu

Jan 2001 party damage Rent

Rs 12,000 + Rs 6,000 (1.1.02 to 30.6.02) = Rs 18,000/-

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH.

OA NO. 370 OF 2001

Monica Biswas -VS- UOI & Ors.

LIST OF DATES WITH BRIEF FACTS

13.4.83.

Father of the applicant, who was a senior clerk of Loco shed, Badarpur, died in harness. The applicant was 16 years old and was a student of Class X. She had six minor brothers and sisters to look after. The youngest sister being two years old and brother being three years old.

18.8.83

Mother of the applicant died.

12.11.86

On attaining majority the applicant was given appointment by the Railways on compassionate ground. The applicant was allotted the quarter of her father being L/285(B) Type-II Elect. At Saheb Colony at Bardarpur. In the said quarter the applicant continued to live with six minor brothers and sister. She was only earning member of the family.

26.2.93

Applicant got married to one Sudhangshu Biswas who is presently working as Head clerk in the office of Senior Section Office, Loco Office, Badarpur. Since Sh. Sudhangshu Biswas was also posted at Bardarpur and he was also allotted the Railway quarter No. L/42(B) Type-I Better type-Elect at GRP Colony, Badarpur, the applicant after her marriage started living with her husband in his quarter. However, in the other quarter allotted in the name of the applicant, her six minor brothers and sisters continued to live.

25.5.93

Applicant wrote to the Railways for permission to retain her earlier quarter. In this connection, reference was made to the Circular dated 1.9.92 with Railway Boards letter dated 11.8.92. (Application dated 25.5.93, Annexure-A/1, Page 20)

V

(Circular of NF Railway dated 12.9.92 alongwith Railway Board letter dated 11.8.92. **Annexure-A/2**,Page 21.)

17.6.93

Railway authorities directed the applicant to surrender the quarter allotted to her i.e. Quarter No.L/285(B)Type-II(Elect) at Badarpur.

22.6.93

Applicant and her husband submitted applications of even dated praying for permission for retaining the quarter No.L/285(B)Type -II(Elect) at Badarpur. (**Annexure A/3 Colly** Page-23)

30.8.93

Letter of senior Divisional Mechanical Engineer informing the applicant that in terms of extant rules where two employees in occupation of separate residence at the same station allotted under the rules, marry one another, they shall within one month of the marriage surrender one of the residences. The applicant was advised to surrender one of the two quarters within one month. (**Annexure-A/4** page 27)

Undated reply of the applicant in response to the letter of Senior Divisional Mechanical Engineer(**Annexure A/5** Page 28).

✓
20.12.93
✓

Senior Divisional Mechanical Engineer informed the Asstt Mechanical Engineer, Badarpur that in terms of Railway Boards Circular dated 11.8.92 the applicant may be allowed to retain Quarter No.L/285(B)Type-II(Elect) at Sahab Colony, Badarpur till maturity of her dependents. It was also made clear that the letter dated 20.12.93 is in supersession of the office order of even number dated 30.8.93. (**Annexure-A/6** page 29) ✓

12.8.98

Divisional Railway Engineer (M)NF Railway, Lumding directed the Asstt Mechanical Engineer, Badarpur that though the Senior Divisional Mechanical Engineer (P), Lumding on the appeal of the applicant, allowed her to retain the quarter on normal rent, but in terms of Chief Personnel Officer, NF Railway, Maligaon Circular dated 1.9.92, it is understood that married girls can also retain the quarters if she does not have adult brother or sister to lookafter her parents. It was

12

14

stated that since the applicant has not been looking after her parents as both her father and mother had expired, therefore, she is not entitled to retain the quarter for looking after her minor brothers and sisters and the quarter can only be retained only for looking after her parents. (**Annexure A/7, page 30**)

25.8.98 Reply of the applicant in response to the letter dated 12.8.98. (**Annexure A/8 page 31**).

31.12.98 Information by the applicant that she is going to vacant the quarter of her husband, i.e. 577(E) Type-II (Elect) at Badarpur and move into her quarter which was also originally the quarter allotted to her father. (**Annexure A/9 page 32.**)

1.1.99 Applicant vacated the quarter of her husband.

12.1.2001 Memorandum issued by Senior DME, NF Railway, Lumding directing recovery of damaged rent from April 1993 to 31.8.98(65 months). (**Annexure A-10 Page 33.**)

19.1.2001 Letter of Divisional Railway Manager(P) Lumding informing the applicant that recovery of damage rent @ Rs.1000/- has been started provisionally through regular salary bill of the applicant from January 2001 on installment basis. (**Annexure A/11 Page 34**).

1.1.2001 Representation of the applicant (**Annexure A/12 Page 35**)

8.2.2001 Senior Divisional Mechanical Engineer, NF Railway, Lumding intimated the Divisional Railway Manager(P), NF Railway, Lumding that since the applicant vacated quarter No.577(W) Type-II(Elect) at Badarpur which was allotted to her husband on 1.1.99, therefore, the damage rent should be calculated from April 1993 to 31.12.98 for total 69 months which comes to Rs.1,27,517/-. Therefore, the request was made for making arrangement to recover the whole amount of Rs.1,27,512/- from the salary bill of the applicant on installment basis. (**Annexure A/13, Page 37**).

13 SEP 2001

गुवाहाटी न्यायपीठ

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the Case : O.A. No. 370 of 2001

Smt. Monika Biswas (Das) ... Applicant

- Versus -

Union of India & Ors. ... Respondents

I N D E X

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For use in Tribunal's Office :

Date of filing :

Registration No.

REGISTRAR

Filed by the Applicant
through U. K. Goswami
advocate
13/9/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH

O.A. No. of 2001

BETWEEN

Smt. Manika Biswas (Das), Head Clerk
under Senior Section Engineer (Carriage
& Wagon), N.F. Railway. Badarpur, Assam

... Applicant

AND

1. Union of India through the Secretary
to the Government of India,
Ministry of Railways, Railway Board,
New Delhi.
2. The General Manager, N.F. Railway,
Maligaon, Guwahati-11.
3. The Divisional Railway Manager (P),
N.F. Railway, Lumding.
4. The Senior Divisional Mechanical
Engineer, N.F. Railway, Lumding.

.... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE
APPLICATION IS MADE :

The present application is against the following :

(i) Memorandum No. M-258/LM/70 dated 12.1.2001 issued
by Sr. Divisional Mechanical Engineer, N.F. Railway,
Lumding directing recovery of damage rent to the tune
of Rs.1,20,120/- @ Rs. 1848.00 per month from the period
April 1993 to 31.8.98 (total 65 months) from the salary
of the Applicant.

(ii) Letter No. M-258/LM/70 dated 8.2.2001 issued by
Sr. Divisional Mechanical Engineer to DRM(P), Lumding
intimating that the calculation of total damage rent

*Filed by the Applicant,
through U.K. Goswami,
Advocate
13/9/2001*

*Ann A/10
P 33*

*A/13
P 37
M. Biswas*

to be paid by the Applicant comes upto Rs.1,27,512.00 from April 1993 to 31.12.98 (total 69 months) and directing the recovery of the said amount from the salary bills of the Applicant on instalment basis.

(iii) Recovery of the above mentioned damage rent on instalment basis from the pay bills of the Applicant since January 2001 and continuation of the same till this date.

2. JURISDICTION OF THE TRIBUNAL :

The applicant further declares that the subject matter of the instant application for which she wants redressal is well within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :

The applicant further declares that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicant in the present case is aggrieved by the action of N.F. Railway administration to recover damage rent of 69 months i.e. from the period April 1993 to 31st December 1998, from her salary. The aforesaid amount is being recovered on instalment basis from the pay bills of the Applicant since January 2001. Though the Applicant submitted the representation dated 1.2.2001 to the Senior Divisional Mechanical Engineer, Lumding, but the same was ignored. The recovery of the aforesaid damage rent from the pay

M. Dishas

bills of the Applicant is contrary to the instructions contained in Railway Board's letter No. E(G)89 QR 2-21 dated 11.8.92. In the present case, the Applicant was given a compassionate appointment in the Railways when her father, who was working in the Railways, died in harness. After the death of her father, the Applicant looked after her minor brothers and sisters and for the said purpose, she retained the Railway quarter which was originally allotted to her father. In the year 1993, the Applicant married Shri Sudhangshu Biswas who is also working in the Railways. On her marriage with Shri Biswas, the Applicant started living with him in the quarter allotted to Shri Biswas, but her minor brothers and sisters continued living in the quarter originally allotted to the father of the Applicant. The case of the Railway is that since after her marriage, the Applicant started living with her husband, she could not have retained the original quarter allotted to her father. The contention of the Applicant on the other hand is that the 1992 circular of the Railway Board permits her to retain such a quarter for the interest of the family of her parents. Moreover, such a quarter was retained with the consent of the Railway administration. Hence, no damage rent can be recovered by the administration at a belated stage. Since the Railway administration has chosen to ignore the defence of the Applicant, therefore, the present Original Application is being filed.

4.2 That the Applicant is presently working as a Head Clerk in the office of Senior Section Engineer

M. Biswas

(Carriage & Wagons), N.F. Railway, Badarpur. The life of the Applicant has been eventful since the early days. Her father late Amulya Kumar Das was a Senior Clerk of Loco Shed at Badarpur, N.F. Railway. Late Amulya Kumar Das died in harness on 13.4.1983. The details of the family members and necessary information in regard to them at the time of death of Late Amulya Kumar Das is given hereinbelow in the form of a chart for the sake of convenience :

- (i) Smt. Nani Bala Das, wife, expired on 18.8.83 i.e. after four months of the death of Late Amulya Kumar Das.
- (ii) Smt. Manika Das (Applicant) (daughter), date of birth - 2.4.67 - then student of Class X (16 years old)
- (iii) Smt. Kanika Das (daughter), date of birth - 1.1.69 - then student of Class-VIII (14 years old)
- (iv) Smt. Lipika Das (daughter), date of birth - 15.6.72 - then student of Class-V (11 years old).
- (v) Master Ashim Das (son), date of birth - 1.1.75 - then student of Class-II (8 years old). 1.1.93 - 184.5
- (vi) Smt. Dipika Das (daughter), date of birth - 12.10.77, then student of Class-I (6 years old).
- (vii) Master Kartik Das (son), date of birth - 29.11.80 (3 years old).

M. Biswas

(viii) Smt. Sivika Das (daughter), date of birth -
27.11.81 (2 years old).

4.3 That from the particulars given above, it is seen that when the father of the Applicant expired on 13.4.83 and immediately four months thereafter, her mother expired on 18.8.83, the Applicant was a sixteen year old girl who was studying in Class-X. In such a young age, the responsibility of looking after all the minor brothers and sisters fell on the young shoulders of the Applicant.

4.4 That the Railway Administration showed compassion and sympathy towards the plight of the Applicant. At the time of his death, the father of the Applicant was the occupant of Railway Quarter No. L/285 (B) Type-II, Elect. of Saheb Colony, Badarpur. The aforesaid quarter was allotted on the name of father of the Applicant. The Applicant and her minor brothers and sisters were allowed to remain in the said quarter by the Railway administration. Since at the relevant point of time, the Applicant though the eldest in the family, was herself a minor, it was not possible for the Railway administration to give her appointment on compassionate ground. Be that as it may, because of extra-ordinary situation, the Applicant was allowed to retain the quarter to look after herself and her minor brothers and sisters.

4.5 That the Applicant was given the appointment on compassionate ground on 12.11.86 i.e. after attaining majority. After appointment on compassionate grounds

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in Railways, the Applicant was allotted the quarter of her father i.e. Quarter No. L/285(B) Type-II Elect. at Saheb Colony at Badarpur. In the said quarter, Applicant continued to live with her six minor brothers and sisters. Being the only earning member in the family, the Applicant looked after the welfare of her family of six minor brothers and sisters.

4.6 That on 26.2.93, the Applicant was fortunate to marry Shri Sudhangshu Biswas who is presently working as Head Clerk in the office of the Senior Section Engineer, Loco Office, Badarpur. Since Shri Sudhangshu Biswas was also posted at Badarpur and he was also allotted the Railway Quarter No. L/42(B) Type-I Better Type (Elect.) at GRP Colony, Badarpur, the Applicant after her marriage on 26.2.93 started living with Shri Sudhangshu Biswas in his quarter. However, in the other quarter, allotted in the name of the Applicant, her six minor brothers and sisters continued to live. While living with her husband in his quarter, the Applicant continued to supervise and monitor her six minor brothers and sisters living in her quarter.

4.7 That subsequently, Shri Sudhangshu Biswas was allotted a different Railway quarter No. 577(E) Type-II. Accordingly, the Applicant with her husband vacated the earlier Railway Quarter No. L/42(E) Type-I and occupied the new Railway quarter No. 577(E) Type-II allotted to her husband. However, the Applicant continued to retain the quarter No. L/285(B) Type-II (Elect.) at Saheb Colony, Badarpur which was allotted

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to her because her six minor brothers and sisters were living in that quarter.

4.8 That here it is pertinent to mention that the Applicant after her marriage with Shri Sudhangshu Biswas on 26.2.93 made an application dated 25.5.93 to the Divisional Mechanical Engineer (P), N.F. Railway praying for permission for retaining the quarter No. L/285(B) Type-II (Elect.) at Saheb Colony, Badarpur as this was the quarter allotted to the Applicant after her appointment on compassionate ground. The application was made by the Applicant because she needed the aforesaid quarter for the sake of her six minor brothers and sisters inasmuch as after her marriage, it was not possible for six minors brothers and sisters of the Applicant to move with the Applicant to Type-I quarter allotted to Shri Sudhangshu Biswas. While seeking permission for retaining the aforesaid quarter, the Applicant referred to Chief Personnel Officer, Maligaon's circular No. Misc.1496/E/9/Ø-1(C)Pt-IV dated 1.9.92 which permitted retention of quarter on such grounds.

Copy of the application dated 25.5.93 is annexed as ANNEXURE-A/1.

4.9 That the Chief Personnel Officer, Maligaon's circular No. Misc.1496/E/9/Ø-1(C)Pt.IV dated 1.9.92 was issued in connection with Railway Board's letter No. E(G)89 QR 2-21 dated 11.8.92. In the aforesaid letter of the Railway Board, it was stated that the concession of allotment of Railway accommodation to the son,

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unmarried daughter, wife etc. of the deceased Railway servant is extended to the married daughter of a retiring official in case he does not have any son or in case where the married daughter is the only person who is prepared to maintain the parents and the sons are not in a position to do so.

Copy of the CPD, Maligaon's circular dated 1.9.92 alongwith the copy of the Railway Board's letter dated 11.8.92 is annexed as ANNEXURE-A/2.

8.10 That notwithstanding the application dated 25.5.93 submitted by the Applicant, the Railway authorities vide letter No. M/BP/G-IV/93 dated 17.6.93 directed the Applicant to surrender the quarter allotted to her i.e. Quarter No. L/285(B) Type-II (Elect.) at Badarpur. This was presumably on the ground that the Applicant having been married to Shri Sudhangshu Biswas on 26.2.93 had moved in to the latter's quarter at Badarpur leaving her minor brothers and sisters at her quarter No. L/285(B) Type-II (Elect.) at Badarpur. Since copy of the letter dated 17.6.93 is lost, the Applicant is not in a position to annex the same.

8.11 That on receipt of the letter of Railway Administration dated 17.6.93, the Applicant and her husband submitted joint applications of even dated 22.6.93. In these applications, the husband and wife in their separate applications drew the attention of the Railway authorities towards the earlier application of the Applicant dated 25.5.93 and prayed for permission

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for retaining the quarter No.L/285(B) Type-II (Elect.) at Badarpur.

Copies of the applications dated 22.6.93 submitted by the Applicant and her husband are annexed as ANNEXURE-A/3 colly.

4.12 That thereafter Senior Divisional Mechanical Engineer (P), Lumding in reference to the Applicant's earlier application dated 25.5.93 intimated her that in terms of extant Rules where two employees in occupation of separate residence at the same station allotted under the Rules, marry one another, they shall within one month of the marriage surrender one of the residences. Therefore, the Applicant was advised to surrender one of the two quarters within one month.

Copy of the letter of Sr. Divisional Mechanical Engineer dated 30.8.93 is annexed as ANNEXURE-A/4.

4.13 That on receipt of the letter dated 30.8.93, the Applicant gave a reply (undated) to Sr. DME (P) stating inter alia that under the circular of 1.9.92 even a married daughter has been given the concession of retaining the quarter till the minor brothers and sisters are matured. In her reply, the Applicant also gave an example of Smt. Suchitra Sengupta, Senior Clerk under Chief Wagons Superintendent, Badarpur whose husband Shri Biplab Sengupta is also Head Clerk in the Railways at Badarpur. In the said case, both the husband and wife despite being the employees of the Railways, they are allowed to retain two separate

M. Diswas

quarters. Hence the Applicant in view of the peculiar and unfortunate facts of her case requested for such a permission for retaining two different quarters.

Copy of the reply (undated) is annexed as ANNEXURE-A/5.

4.14 That the Sr. Divisional Mechanical Engineer (P), N.F. Railway, Lumding after the aforesaid correspondence/ deliberation vide his letter No. M-258/LM/9 Pt.III dated 20.12.93 intimated the Asstt. Mechanical Engineer, Badarpur that in terms of Railway Board's circular dated 11.8.92, the Applicant may be allowed to retain quarter No. L/285(B) Type-II (Elect.) at Saheb Colony, Badarpur till maturity of her dependents. It was also made clear that the letter dated 20.12.93 is in supersession of the office order of even No. dated 30.8.93.

Copy of the letter dated 20.12.93 is annexed as ANNEXURE-A/6.

4.15 That after long five years of allowing the Applicant to retain her quarter, the Railway Administration vide office of the Divisional Railway Engineer (M), N.F. Railway, Lumding's letter dated 12.8.98 directed the Asstt. Mechanical Engineer, N.F. Railway, Badarpur that though the Senior Divisional Mechanical Engineer (P), N.F. Railway, Lumding on the appeal of the Applicant, allowed her to retain the quarter on normal rent, but in terms of Chief Personnel Officer, N.F. Railway, Maligaon's circular dated 1.9.92, it is understood that married girls can also

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retain the quarters if she does not have adult brother or sister to look after her parents. It was stated in the said letter that since the Applicant has not been looking after her parents as both her father and mother had expired. It was contended in the said letter that the Applicant is not entitled to retain the quarter for looking after her minor brothers and sisters and the quarter can only be retained for looking after her parents. Therefore, Asstt. Mechanical Engineer, N.F. Railway, Badarpur was directed that the Applicant should be made to vacate the quarter at the earliest.

Copy of the letter dated 12.8.98 is annexed as ANNEXURE-A/7.

4.16 That the Applicant on receipt of the letter dated 12.8.98 gave a reply vide her letter dated 25.8.98 to the Divisional Mechanical Engineer (P), N.F. Railway, Lumding. In her reply, Applicant expressed her surprise by the contents of the letter dated 12.8.98 because the same were contrary to the previous order of the Railway Administration in letter dated 20.12.93. It was stated by the Applicant that two of her minor brothers and one sister are studying in her guardianship and are residing in the quarter No.L/285(B) Type-II (Elect.). It was also stated that since the aforesaid brothers and sisters have not become matured and the still come under the legal guardianship of the Applicant, therefore, the retention of the quarter No.L/285(B) Type-II (Elect.) is justified. However, the Applicant gave an assurance that she is ready to vacate the

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Railway Quarter No. 577(E) Type-II at Wireless Colony which has been allotted in the name of her husband Shri Sudhangshu Biswas, Head Clerk under Senior Section Engineer, Loco, Badarpur.

Copy of the reply dated 25.8.98 is annexed as ANNEXURE-A/8.

4.17 That thereafter on 1.1.99, the Applicant vacated the quarter of her husband i.e. 577(E) Type-II (Elect.) at Badarpur and alongwith her husband moved in to her quarter (which was also original the quarter allotted to her father) No. L/285(B) Type-II (Elect.) at Saheb Colony/Old Friends Colony, Badarpur. The intimation about the same was given to the Asstt. Mechanical Engineer, N.F. Railway, Badarpur on 31.12.98.

Copy of the intimation dated 31.12.98 is annexed as ANNEXURE-A/9.

4.18 That thereafter the Sr. Divisional Mechanical Engineer, Lumding vide memorandum dated 12.1.2001 directed recovery of damage rent of Rs.1,20,120/- @ Rs.1848/- per month for the period April 1993 to 31.8.98 (total for 65 months) on the basis of the objection raised by the Audit Department. This was done on the ground that one of the brothers of the Applicant attained 18 years of age on 1.1.93. The Railway Department treated the age of 18 years attained by one of the brothers of the Applicant as the maturity age and on the said basis calculated the damage rent from April 1993 to 31.3.98 i.e. the date on which the Applicant vacated one of the quarters.

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Copy of the memorandum dated 12.1.2001 issued by the Sr. DME, N.F. Railway, Lumding is annexed as ANNEXURE-A/10.

4.19 That the memorandum dated 12.1.2001 on the face of it is unreasonable and arbitrary inasmuch as it was Ashim Das - the brother of the Applicant who attained the age of 18 years on 1.1.93. At that point of time, Ashim Das was only a college student. It is pertinent to mention that there are two sisters and one brother who are younger to Ashim Das. These two sisters are Ms. Dipika Das and the youngest Ms. Sivika Das whereas the brother younger to Ashim is Master Kartik Das. It is noteworthy that Master Kartik Das and Ms. Sivika Das were only fifteen and fourteen years old respectively in April 1993. By no stretch of imagination, an 18 years old young boy can be expected to on the livelihood of himself and of his younger brothers and sisters. The premise on which the Railway Administration proceeded was on the face of it unreasonable and arbitrary.

4.20 That the Applicant after her marriage to Shri Sudhangshu Biswas in February 1993 looked after her brothers and sisters like their parents. She got her immediate younger sister Kanika Das married. Thereafter even Ms. Lipika Das was properly looked after and she was given a decent education. However, in April 1993, the younger brother of the Applicant Master Ashim Das had only attained the age of 18 years (his date of brother being 1.1.75) and at that age, by no stretch of

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imagination Master Ashim Das was in a position to cater to the needs of her minor brother and sisters. Hence, the Railway Administration gravely erred in treating the age of 18 years of Master Ashim Das a cut off point for calculating the damage rent for retaining the quarter till 1.1.99.

4.21 That the memorandum dated 12.1.2001 was followed by the letter of DRM (P), Lumding, N.F. Railway dated 19.1.2001 wherein the Applicant was informed that a recovery of damage rent at the rate of Rs. 1000/- has been started provisionally through regular salary bill of the Applicant from January 2001 on instalment basis.

Copy of the letter dated 19.1.2001 is annexed as ANNEXURE-A/11.

4.22 That being aggrieved, the Applicant submitted the representation dated 1.2.2001 to the Senior Divisional Mechanical Engineer, N.F. Railway, Lumding. In her representation the Applicant stated that Master AShim Das who attained the age of 18 years on 1.1.83 completed his post graduate degree from Assam University, Silchar in December 1999 and immediately on completion of his studies, the Applicant vacated the quarter of her husband on 1.1.99. Here it is pertinent to mention that even on 1.1.99, one brother and sister of the Applicant were pursuing their studies, but since Master Ashim Das acquired the ability to look after them, the Applicant without any further loss of time vacated the quarter of her husband on 1.1.99.

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Copy of the representation dated 1.2.2001 is annexed as ANNEXURE-A/12.

4.23 That thereafter the Senior Divisional Mechanical Engineer, N.F. Railway, Lumding vide letter dated 8.2.2001 intimated the Divisional Railway Manager (P), N.F. Railway, Lumding that since the Applicant vacated quarter No. 577(E) Type-II (Elect.) at Badarpur which was allotted to her husband on 1.1.99, therefore, the damage rent should be calculated from April 1993 to 31.12.98 for total 69 months which comes to Rs.1,27,517/-. Therefore, the request was made for making arrangement to recover the whole amount of Rs. 1,27,512/- from the salary bill of the Applicant on instalment basis.

Copy of the letter dated 8.2.2001 is annexed as ANNEXURE-13.

4.24 That in the present case, it is noteworthy that it was the Railway Administration which vide its letter dated 20.12.93 had allowed the Applicant to retain the quarter on normal rent till maturity of her dependants. It is noteworthy that even on 1.1.99, one sister of the Applicant viz. Ms. Sivika Das had not attained the age of 18 years. It should be noted that the date of birth of Ms. Sivika Das is 27.11.81 and on 1.1.99, she had not completed the age of 18 years. Be that as it may, the issue of maturity cannot be considered in mathematical terms and the same has to be considered from the point of view of ability to earn livelihood and to cater to the economic needs of one's dependents.

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Just because one attains the age of 18 years, it cannot be construed that one also attains the ability to earn the livelihood not only of oneself but also of those who are below 18. The Hon'ble Tribunal may be pleased to take note of the fact that in Indian conditions, hardly few persons attain the ability to earn livelihood and to cater to the economic needs of dependents at the age of 18 years. Hence, the stand of the Railway Administration is highly arbitrary and unreasonable.

4.25 That in the present case, Railway Administration has not interpreted the Railway Board's letter dated 11.8.92 in proper perspective and the same resulted in serious miscarriage of justice.

4.26 That pursuant to the memorandum dated 12.1.2001 and the letter dated 8.2.2001, the damage rent is being recovered from the monthly pay bills of the Applicant since January 2001 and till now the damage rent has been recovered upto the month of August 2001 from the pay bills of the Applicant. The Applicant immediately did not approach the Hon'ble Tribunal because she tried to get justice at her level from the Railway Administration. She personally met senior Railway officials number of times after submitting her representation dated 1.2.2001. However, when despite her best efforts, the Railway Administration ignored her pleas and continued to make recovery from her monthly pay bills, the Applicant has come before the Hon'ble Tribunal for the ends of justice.

M. Biswas

4.27 That the present case is, therefore, a fit case wherein this Hon'ble Tribunal maybe pleased to stay any further recovery from the monthly pay bills of the Applicant. The balance of convenience is in favour of the Applicant and she has also made out a prima facie case of arbitrariness and illegality on the part of the Respondents.

4.28 That the Applicant files the present application bonafide for securing the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 Because the impugned memorandum dated 12.1.2001 and the letter dated 8.2.2001 issued by the Sr. Divisional Mechanical Engineer, N.F. Railway, Lumding are per se arbitrary and unreasonable and as such liable to be set aside and quashed.

5.2 Because the action of the Railway Administration to recover damage rent is contrary to the instructions contained in the Railway Board's letter dated 11.8.92. Moreover, the Railway Administration failed to appreciate the spirit of Railway Board's letter in its proper perspective and as such its action of recovering the damage rent is liable to be set aside.

5.3 Because the action of Railway Administration of recovering damage rent is violative of Article 14 of the Constitution.

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6. DETAILS OF REMEDIES EXHAUSTED :

That the Applicant states that she has no other alternative efficacious remedy except by way of approaching this Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

8.1 Quash and set aside the memorandum dated 12.1.2001 and the letter dated 8.2.2001 issued by the Senior Divisional Mechanical Engineer, N.F. Railway, Lumding (Annexures- and Annexure- respectively).

8.2 Direct the Respondents to refund the amount recovered from the pay bills of the Applicant from January 2001 to August 2001.

8.3 Pass such other order/orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

8.4 Cost of the application.

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9. INTERIM ORDER PRAYED FOR :

Stay any further recovery from the pay bills of the Applicant from August 2001 onwards and/or stay the operation and effect of the memorandum dated 12.1.2001 and letter dated 8.2.2001.

10.

The Application is filed through Advocate

11. PARTICULARS OF THE I.P.O. :

- (i) I.P.O. No. : 76 548537
- (ii) Date : 11-8-2001
- (iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

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

I, Mrs. Manika Das (Biswas), wife of Shri Sudhangshu Biswas, Head Clerk under Senior Section Engineer (Carriage & Wagons), N.F. Railway, Badarpur, do hereby solemnly affirms and verify that the statements made in the accompanying application in paragraphs 1 to 4.22

are true to my knowledge ; those made in paragraphs

being matters of records are true to my information derived therefrom and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this the 11th day of September 2001 at Guwahati.

Manika Biswas

To
Sr. DME(P)/ N.F. Railway,
Lumding.

(Through proper channel)

Sub: Prayer for permission for retention of Qrs. No. L/285(B)-
Type-II, (Elect), at Saheb Colony, Badarpur.

Sir,

With due respect and humble submission I beg to state that my marriage has been solemnised on 26-2-93 with Shri Sudhangshu Biswas, Sr. Clerk, Loco foreman's office, Badarpur and I am also as Sr. clerk, at Loco foreman's office/BPB.

Shri Sudhangshu Biswas, Sr. Clerk/BPB is the occupant of Qrs. L/42(B)-Type-I (Better type) (Elect) at G.R.P. Colony, Badarpur and the Qrs. No. L/285(B)-Type-II (Elect, Saheb Colony, Badarpur, is also under my occupation.

So, after my marriage I am residing with my husband, *Sudhangshu Biswas* (Sr. Clerk, Loco foreman's office/BPB in his qrs. No. L/42(B)-Type-I (Better) (Elect) at BPB; but I am not in a position to vacate the above qrs.

My father late Amulya Kr. Das, Ex. Sr. Clerk who worked under Loco Foreman/BPB expired during his service and on compassionate ground I have been appointed in Rly. service.

After expiry of my father, my mother also expired within three months.

Solely So, ~~for~~ all the unmarried sisters and minor brothers are ~~solely~~ dependant upon me and they are residing in the above mentioned Qrs. which is under occupation of me. So long marriage of my unmarried sister will not be solemnised and so long my minor dependant brothers will not be ~~adult~~, it is not possible on my part to vacate the above mentioned qrs. For your kind knowledge I am also producing the Family declaration with my appeal.

In such case, as per CPO/MLG's Circular No. MISC/1496/E/9/O-1(C) Pt-IV Dt. 1-9 -92, Qrs. can be retained unlimited period.

I, therefore pray that your honour would be kind enough to permit for retention of above qrs. in favour of me so long marriage of my unmarried sisters will not be solemnised and so long my minor dependant brothers will not be self-dependants and for which act of your kind order, I shall remain ever grateful to you.

Yours faithfully,

Dated: Badarpur, 1

The 25th May 1993

Copy to :

-- Smt. Manika Das --
(Smti. Manika Das)
Sr. Clerk/ Loco foreman's office
Badarpur/ N.F. Railway.

The CPO/MLG N.F. Railway for his kind information and to take necessary action in this regard please.

Yours faithfully,

Dated 25th May 1993.

-- Smt. Manika Das --
(Smti. Manika Das)
Sr. Clerk/ LF/BPB's office
N.F. Railway.

Recd
15/5/93

Attested
Wg
Advocate

ANNEXURE-A/2

N.F. RAILWAY

Misc. 1496

E/9/0-1(0) Pt.IV

Maligaon dated 1.9.92

To : All Heads of Department

All DRMs

All DAOs, WAOs/NBQ & (Illegible)

All Controlling Officers of
the Non-divisionalised office/N.F. Railway.

The General Secretary/NFREU, NFREMUS AISCSTREA, PNO
with 50, 40 & 20 spare copies each.

Sub : Regularisation of allotment of Railway Qr. in the
name of an eligible dependent of Railway employee
who retires from or dies while in service.

A copy of the Railway Board's letter E(G)89 QR 2-

21 dated 11.8.92 on the abovementioned subject is

forwarded herewith for information and guidance.

Board's earlier letter No. E(G)82 QR 1-23 dated

27.12.82 and E(G)85 QR 1-99 dated 15.1.90 as referred

as referred to in their present letter were circulated

under this office letter No. Misc. 1196/E/9/0-1(0)Pt/II

dated XXXX MISC-1444/E/9/0-1(0)Pt.III dated 6.3.90

respectively.

DA : As stated

Sd/-

For Chief Personnel Officer,
N.F. Railway

Attested
Uky
Advocate

(Copy of Railway Board's Letter No. E(G)89 QR 2-21 dated 11.8.92)

Sub : Regularisation of allotment of Railway Quarters in the name of an illegible dependent of Railway Employee who retires from or dies while in service.

Reference Railway Minister's letter No. E(G)82 QR 1-23 dated 27.12.92 and E(G)85 QR 1-9 dated 15.1.90 as clarified vide their letters No. E(G)90 QR 1-11 dated 15.3.91 and 1.7.91 conveying instructions that when a railway servant who is an allottee of Railway accommodation retires from service, his/her son, unmarried, daughter, wife, husband or father as the case may be, may be allotted Railway accommodation on out of turn basis subject to fulfilment of prescribed conditions.

The Ministry of Railway has reviewed the matter and in supersession of the instructions, vide their letter No. E(G)82 QR 1-23 dated 27.12.82 have decided to extend the scope of this concession to the married daughter of a retiring official in case he does not have any son or in case where the married daughter is the only person who is prepared to maintain the parent(s) and the sons are not in a position to do so (e.g. minor sons). This will be subject to the conditions already prescribed which are applicable to the other eligible wards seeking such concession.

The decisions communicated above will also be equally applicable in the case of death/medical unfitness.

XXXXXXX

To Ministry of
Railways

ANNEXURE-A/3 Colly

To
AME/SPB,
N.F. Railway

Sub : Surrendering of Railway Qrs. either by me or my husband Shri S. Biswas, Sr. Clerk of this shed.

Ref : Your L/No. M/BP/G-4/93 dt. 17.06.93.

Sir,

With due respect & humble submission I beg to state that I have noted your above letter on 19.06.93.

In this regards, I like to inform you that I was appoint in my service on Compassionate Ground after expiry of my father late Amulya Kr. Das, Ex. Sr. Clerk of this office.

As per CPO/MLG's circular No. Misc/1496E/9/0-1(C)Pt.IV dated 01.09.92 a female employee who appoint in Railway service on Compassionate Ground she can retain Qr. after her marriage for unlimited period so long her dependent unmarried sisters marriage will not be solemnised, her minor brothers will not be self dependent of their shelter purpose.

It is fact that after my marriage I am living with my husband Shri S. Biswas, Sr. Clerk of this office in the Qtr. No. in the Qtr. No. L/42 (B) Type I (Better) elect. at Fire Brigade Colony, Badarpur and my dependent u/m sister & minor dependent brothers are residing in the Qtr. L/285 (B). Type II (Elect.) at Badarpur Old Field Colony which has allotted to me.

I submitted an appeal for permission of retention of Qr. No. L/285 (B) Type II (Elect.) at Old Field

*Attested
Advocate*

Colony, Badarpur for unlimited period to Sr. DME(P)/LMG and copy of the appeal was given to CPO/LMG and my appeal were forwarded to Sr. DME(P)/LMG and CPO/MLG vide LF/NPS 1/No. 2W/1 dated 25.05.93.

Still I have not received any reply of my appeal from Sr. DME(P)/LMG and CPO/MLG respectively.

So, at present question of surrendering of Rly. Qtr. either by me or my husband Sri S. Biswas does not arise.

Yours faithfully,

Dated 22.06.93

Sd/-- (Manika Das)
Desig : Sr. Clerk/Badarpur
under LF'S Badarpur

To

AME/BPB,
N.F. Railway

Sub : Surrendering of Rly. Qr. either by me or my wife
Smt. Manika Das, Sr. Clerk of this shed.

Ref : Your L/No. M/BP/G-4/93 dt. 17.06.93.

Sir,

With due respect I beg to state that I have noted your above mentioned letter and I like to inform you that my wife Smt. Manika Das, Sr. Clerk of this office has appointed in Railway service on Compassionate Ground after expiry of her father late Amulya Kr. Das, Ex. Sr. Clerk of this office.

As per CPO/MLG circular No. Misc/1496/E/9/0-1(C) Pt. IV, dtd. 01.09.92 a female employee can be retain Railway Qr. after her marriage for unlimited period. Those who are appointed on compassionate Ground so long her unmarried sisters marriage will not be solemnised and so long her minor dependent brother will not be self dependent for their shelter purpose.

So, my wife Smt. Manika Das, Sr. Clerk of this office submitted an appeal to Sr. DME(P)/LMG for permission of retention of Qr. No. L/285(B). Type II (Elect.) at Old Field Colony, Badarpur for unlimited period and she has also given a copy of the appeal to CPO/MLG and her appeal were forwarded to Sr. DME(P)/LMG and CPO/MLG vide LF's/BPB L/No. 2W/1 dt. 25.05.93.

Under the above circumstances the question of surrendering of Rly. Qr. either by me or my wife does not arise and she has not received yet any reply of her

appeal either from Sr. DME (P)/LMG or CPO/MLG respectively.

In this regards you can urge welfare inspector/BPB regarding CPO's/MLG above mention circular.

This for your kind information.

Yours faithfully,

Dated : 22.06.93

Sd/- Sudhangshu Biswas,
Desig. Sr. Clerk/Badarpur
Under LF's/Badarpur.

appeal either from Sr. DMC 671412 or CPD 671412

respectively.

In this regard you can also write Inspector VPR

regarding CPD 671412 above mention criminal.

Thank for your kind information.

Yours faithfully,

Dated : 22.06.93

Sd/- Subhash Kumar
Deputy Sr. Clerk
Inspector CPD 671412

Annexure : A/4

N.F. Railway

No.M-258/LM/9 Pt III

DRM(M)'s Office
Lundimg dt/- 30.8.93


To
✓ Smt. Manika Das,
Sr.Clerk/LF/BPB's Office
Thru:- LF/BPB

Sub:-Prayer for permission for retention of Qrs:
No.L/285(B) Type II(Elec) at Saheb Colony/BPB.

Ref:-Your application dt.25.5.93 recd:under LF/BPB's
No.2W/1 dt/-25.5.93.

In terms of extant rules, where two employees in occupation of separate residence at the same station, allotted under the Railway rules, marry one another, they shall within one month of the marriage surrender one of the residences.

In view of the above, you are advised to surrender One of the Two Qrs. within one month, if residence is not surrendered the allotment of the Railway residence shall be deemed to have been cancelled on the expiry of such period.


27/8
/ Sr.DME(P)/LMG

Copy to AME/BPB for information in ref:to his letter No. M/C-H/93 dt/-3.8.9. He is advised to intimate the date of surrendering of one of the residences by the above-named staff within 30 days as above please.

Copy to LF/BPB for information in ref:to the above.

Sr.DME(P)/LMG

Attested
by
Advocate

ANNX-A/S-
wb

To,
Sr.DME(P)/LMG.
N.F.Rly.

Sub:- Prayer for retention of Rly.Qrs.No.L/285
(E) type too at Badarpur Sahab Colony.

Ref:- Your letter No. M/256/LM/9 Pt.III
dt.30-8-93.

Sir,

I have the honour to state that, in appreciation of the letter so mentioned above I would pray to your honour that the reason as indicated in your above letter for vacating of my quarter No. L/285(B) has also been superseded vide GM(P)/MLG's letter No Misc-1496 dt. 1-9-92.

E/9/0-1(C) Pt-IV

As per above circular the privilege so extended for the employees is that when the appointment is on compassionate ground and has got minor brother and sister no matured ^{or} male or female member the second quarter may be retained till the minors are becoming matured. (Copy of the circular enclosed here with)

Further, I would like to point it out that in the same manner another quarter no. L/220 (B) is till under possession of Smt. Suchitra Sengupta Sr. Clerk under CWS/BPB, wife of Sri Biplab Sengupta Hd. Clerk under Badarpur i.c. having two quarters which is allowed by the administration.

So, I would pray ~~look-into-the~~ to your honour kindly to look into the circular enclosed here with and consider the matter judiciously and oblige.

Yours faithfully,

Date:-

Manika Biswas

(Manika Das) Biswas
Sr. Clerk/LF/BPB.

[Handwritten signature]

*Recd
6/9*

*Attended
Wg
Advocate*

N.F. Railway

DRM(M)'s Office.
Landing dt/-20.12.93 ✓

No. M-258/LM/9 Pt III

To

AME/BPB

Sub:-Prayer for permission for retention of Grs: No. L/285(B)
Type II (Elec) at Sahab Colony, BPB by Smt. Manika Biswas
Sr. Clerk.

Ref:-Your No. M/BP/G-4/P/93 dt/-17.11.93.

In terms of Rly. Bd's circular letter No. E(G)89 QR-2-21 dt.
11.8.92, Smt Manika Biswas, Sr. Clerk under LF/BPB may retain Grs:
No. L/285(B) Type II (Elec) at Sahab Colony/BPB till maturity of her
dependents. This is in supersession of the office order of even No
dated 30.8.93.

Sr. DME(P)/LMG

✓ Copy to Smt. Manika Biswas, Sr. Clerk Thro: LF/BPB for
information in ref: to her application dt/-25.5.93.

Copy to LF/BPB for information.

T. Kumari
Sr. DME(P)/LMG/93

13.4.83

Superceded

Attended
Maj
Advocate

N.E. Railway.

NO. M/258/LM/9 Pt. III.

Office of the
DME(H)'s/LMG.

Dt. 12.08.98.

To,
AME/BPB,
N.E. Rly.

Sub : Retention of Rly. Qrs. by Smt Manika
Biswas, Sr. Clerk/BPB

Misc./1496

In terms of CPO/MLG's circular No. MA E/3/0-1(C) Pt. IV
dated 01.09.1992 Smt. Manika Das (now Manika Biswas) Sr. Clerk
under SSE/Loco/BPB claimed that she was entitled to retain the
Qrs. No. L/285(B) Type II (Elect) at Sehab Colony, BPB to
look after her minor brother & sister.

The then Sr.DME(P)/LMG, on the appeal of Smt. Manika
Biswas allowed her to retain the Qrs. on normal rent.

But in terms of CPO/MLG's circular No. mentioned above
it is understood that married girls can also retain the Qrs.
if she does not have adult brother & sisters to look after
her parent.

But in this case Smt. Manika Biswas has not been looking
after her parents as both her father & mother had expired.
She claimed that she has been entitled to retain the Qrs.
for looking after her minor brother & sister instead of her
parents in terms of CPO/MLG's circular mentioned above.

But the circular does not entitle her the scope she
has claimed.

As such Smt. Biswas has to vacate the Qrs. at the
earliest.

DME/P/LUNDING.

Copy to :-

Smt. Manika Biswas, Sr. Clerk/BPB (Thro. SSE/Loco/BPB)
for information.

DME/P/LUNDING.

Attended
Wg
Advocate

OS(4)

To,

The Divisional Mechanical Engineer, (P),
N.F. Rly. Lumding.

Subj :- Retention of Rly. Quarter No. L/285(B)/
Type II /Elect) at Saheb Colony.

Ref :- Your No. M/258/LM/9 Pt. III
dt. 12/8/98.

Sir,

With due respect I have the honour to inform you that vide your letter No. M-258/LM/9 Pt. III dt. 20/12/93 I was allowed to retain the aforesaid quarter till the maturity of my dependents. It had been issued supersession of previous order from your Office on 30.8.93.

But your letter No. M/258/LM/9 Pt. III dt. 12/8/98 has surprised me much this has issued in contrary to your previous order of even no. dt. 20/12/93.

That sir, my appeal for the retention of the said quarter was on the basis of legality of my legal guardianship of my minor brother and sister which has been sanctioned by Hon'ble Court of Law. At present two of my minor brother and One sister continuing their study under my guardianship and residing in the Quarter No. L/285(B) Type II(Elect). Hence till they have not got the maturity, they will come under the pervuew of my Legal Guardianship.

However to overcome the present crisis I can assure you that I am ready to vacate the Rly. Qrs. No. 577(E) Type II at Wireless Colony under the occupation of my husband Shri Sudhangshu Biswas Hl. Clerk under ^{Br.} SE/Loco/RPB.

In view of the above circumstances I would request you to consider my prayer and give permission to retain Qtr. No. L/285(B) Type II (Elect.) for which act of your benevolence, I shall ever pray.

Date : 25th August 1998

Yours faithfully,

(Mrs. Manika Biswas)
Sr. Clerk under Sr. SE/Loco/RPB.

Copy to :-

(1) AME/N.F. Rly / RPB.

(2) Br. Secretary, N.F. Rly. Majdur Union, Badarpur.

for favour of kind information and necessary

action please.

Attended
Wkly
Advocate

Yours faithfully,

✓ Manika Biswas

(Sr. Clerk)

Sr SE/Loco RPB 14/15

ANNEXURE-A/9

To

The AME/BPS
Through Sr. SE/Con/BPS

Sub : Vacation Report of Rly Qr. No. 577(E) Type II
(Elect.) at BPS.

Sir,

With due respect and humble submission, it is to
inform that I like to vacate my Railway Qr. No. 577(E)
Type II (Elect.) at BPS on 1.1.99.

So I, therefore, pray that you kindly arrange to
allot to new allottee and release as early as possible
and oblige thereby.

Dated 31.12.98

Yours faithfully,

Sd/- Sudhangshu Biswas,
Head Clerk
Illegible.

*Attended
Wkg
Advocate*

N.F.Rly.

MEMORANDUM.

DRM(M)'s Office,
Lumding, dt. 12.01.2001.

Sub:- Recovery of damage rent
Rs.120120.00 for irregular
retention of Rly. Grs.

Ref:- Audit Inspection Report
of Feb/1999.

Smt. Manika Das now Biswas Hd. Clerk of BPB she occ-
upant of Rly. Grs. No. L/285(B) Type: II at Seheeb Colony /BPB
married to Shri Suchangshu Biswas Hd. Clerk of BPB and on
26.2.93 who is having Rly. Grs. No. L/42(E) Type: I but er
type at SRP Colony/BPB (Subsequently Shri Biswas was allotted
Grs. No. 577(E) Type: II). For retention of two Rly. Grs. by
couple at the same station, Audit Dept. raised an objection
under Para: 21 and calculated damage rent for Rs. 120120.00
@ Rs. 1048.00 per month from period AP/93 to 31-8-98 for 65
months. The maturity period of her brother was considered
18 years on 1st Jan/93. Later on Grs. No. 577(E) Type: II
was vacated during Dec/98.

26.2.93 Marriage

Dec. 98 Vacated the Grs.

65 Months damage Rent

Sd/-

SR.DME/Lumding.

No: M-258/LM/17 dt. -01-2001.

Copy to:

- 1) DRM(P)/LMC. He is requested to arrange recovery of
Rs. 120120.00 on installment basis from Smt. Manika Das
(now Biswas) Hd. Clerk under SSE/Loco/BPB. Recovery
may be intimated to this office to reply to Audit
Dept. for closure of the para. (particulars)
- 2) DAO/LMC for information please.
- 3) Smt. Manika Biswas, Hd. Clerk under SSE/C&W/BPB, thro
SSE/C&W/BPB.
- 4) ADME/BPB for information.
- 5) SSE/Loco/BPB for information and to intimate actual
date of vacation of Grs. No. 577(E) Type: II

SR.DME/Lumding.

A. the
Advocate

N. F. Railway.

Office of the
Divl. Railway Manager(P)
Lundding.

No. PB/2(Mech)/Inspection.

Dated 19 -01-2001.

To
Smt. Monica Biswas,
Hd. Clerk under SSE/C&W/BPB.
Through SSE/C&W/BPB.

Sub :- Option for recovery of damage rent
amounting to Rs.1,20,120.00 for irregular
retention of Rly. Qrs. No. 1/285-B Type-II
at BPB.

Ref :- Sr.DME/LMG's letter No.M-258/LM/17
Dtd.12-01-01.

.....

In reference to the above you are hereby informed
that recovery of above mentioned damage rent @ Rs.1000/-
(Rupees one thousand) only has been started provisionally
through R/S Bill from January, 2001 on instalment basis.

The recovery amount may be increased if agreed to.
In this case your option is necessary, which should reach
this office as early as possible so that information may
be communicated to Sr.DME/LMG to close the audit para of
Feb/99.]

for Divl. Railway Manager(P)
N.F. Railway, Lundding.

to Divl. Dy. Manager
N. F. Railway, Lundding.

Copy to :-

1) SSE(C&W)/BPB. He is requested to pursue the
matter and arrange to send the option as early as possible.

2) Sr.DME/LMG for information pl.

for Divl. Railway Manager(P)
N.F. Railway, Lundding.

to Divl. Dy. Manager
N. F. Railway, Lundding.

1993

Attested
Muz
Advocate

To,

✓
Sr. Divisional Mechanical Engineer, Lumding,
N.F.Rly.
.....

Sir,

Sub:- Recovery of Damage rent of Rs.1,20,120.00 for
irregular retention of Rly.Q rs.No.L/285(B)
Type-II at Saheb Colony,/BPB.
.....

Ref:- Your letter No.M-258/LM/17 dt.12.1.2001.
.....

With due respect and humble submission I lay
myself to your mercy's door to consider my prayer as
stated below.

That sir, in reference to your letter under
stated, it is seen that as per audit report an amount of
Rs.1,20,120.00 has been shown as damage rent owing to
irregular retention of Rly.Qrs. No.L/285(B) Type II
as the maturity period of my brother was considered
18 years on 1st Jan/93.

That sir, in my all earlier appeals it was
clearly mentioned that two younger brother and 2 (two)
minor sisters are totally dependent on me and are under-
going studies. The first younger brother has attained
in the age of 18 years on 1st Jan '93 but was continuing
~~but was continuing~~ his studies which completed only on
December 99 and rest are immatured and were being conti-
nued their studies in the school and fully dependent on
me .

You will appreciate that one after being att-
ained in the age of 18 years can be considered matured
on paper only, basically there is no such constitutional
provision for any employment on being reached at the age
of 18 years. Further the circular which are circulated
till date, every where it is mentioned that "the minor
dependents" i.e. (in plural number) are till matured
quarter may be retained. As per example circular No.
Misc.1496 dt.1.9.92 para 2 issued by Rly.
E/9/O-1(O) Pt.IV
Board and the permission for retention order given by

Contd..P/2.

.....

Attended
Rly
Advocate

-2-

given by Sr. DME(P), LMG vide his letter No.M-258/LM/9 Pt.III dt.20.12.93 and all other circulars issued time to time by the Rly.Board., when 2 younger brother and 2 (two) minor sisters are dependent. Naturally they all were dependent on me and under going their studies.

That sir, my first younger brother had completed his studies on Dec/99 (Passed M.A. from the Assam University, Silchar) and the quarter of my husband i.e. Qrs.577(E) has been vacated on 31-12-98.

As per corollary, I would pray to your honour kindly to waive up the damage rent considering reasons mentioned above else to get natural justice I may please be permitted to take the shelter of law and oblige.

Dated, Badarpur

01-02-2001.

Yours faithfully,

Manika Biswas.

(Smt. MONICA BISWAS)
Head Clerk/BPB
under Sr.S.E.(C&W)
N.F.Rly.

Copy to :- Branch Secretary,
Mazdoor Union, N.F.Rly, BPB,
for your kind information please.

Yours faithfully,

(Smt. MONICA BISWAS)
Head Clerk/BPB
under Sr. S.E.(C&W)
N.F.Rly.

No. E)7/000/cw/1/2001
dt. 01.2.2001

1 (one) Copy of this
appeal is sent
to Sr. DME/LMG,
N.F. Rly.

घरिह अनुभाग अमियन्ता
(सवारी रेल माल)

पु. सी. रेल बडरपुर.

Sr. Sec In in (C & W)
N.F. Rly. Badarpur.

M.F.Rly.

No: M-258/LM/17.

DRM (M)'s Office,
Lundin, dt. 02-2001.

To: DRM (P)/LMG.

Sub:- Recovery of damage rent of
Rs. 120120.00 for irregular retention
of Rly. Crs.

Ref:- This office memorandum No.
M/258/LM/17 dt. 12.1.2001,
copy given to DRM (P)/LMG, DAE/LMG,
ADME/BPB, SSE (Locs)/BPB and Smt.
Manika Biswas, Hd. Clerk under
SSE (Locs) BPB.

....

In continuation to the above, it is intimated that
Crs. No. 577 (E) Type: II (Elec.) at BPB was vacated on 31.01.99
by Shri. Suchangshu Biswas Hd. Clerk husband of Smt. Manika
Biswas, Hd. Clerk/BPB. Thus the total damage rent comes
as under:-

April/93 to 31.8.98: 65 months	: Rs. 120120.00
01.9.98 to 31.12.98 : 4 months	: Rs. 7392.00
Total:	Rs. 127512.00

In view of the above, it is requested to kindly
arrange to recover the whole amount of Rs. 127512.00 from the
salary bill of Smt. Manika Biswas, Head Clerk of BPB/ shed
on instalment basis under intimation to this office.

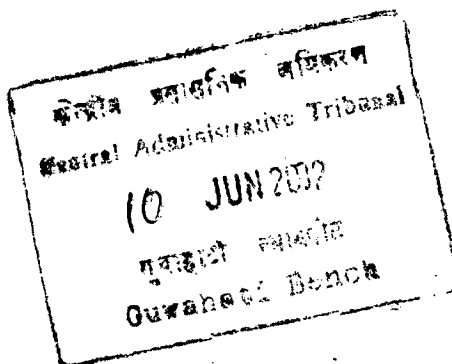
SR.DME/Lundin.

Copy to:-

- 1) DAE/LMG.
- 2) ADME/BPB.
- 3) Smt. Manika Biswas, Head Clerk through SSE (Locs)/BPB .
- 4) SSE (Locs)/BPB for information in ref. to his letter
No. 200/1 dt. 24.1.2001.

SR.DME/Lundin.

Attended
by
Shri. Biswas



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI.

O.A. NO. 370/2001

Smti. Monika Biswas

- Versus -

Union of India and Others.

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.

Contd...p/2

*Filed by Mr
D. S. Mondal
1000/1000 D. Chakrabarty
D. S. Mondal
10/6/02*

3. That with regard to para 4.2 it is stated that the applicant is working as Hd. Clerk in the Office of the Sr. SE/C&W/Badarpur. Her father was a Sr. Clerk of Loco Shed at Badarpur who died on 13.04.83. As to the details of the family particulars, the respondents admit those particulars which are borne *on records* only.

4. That with regards to para 4.3 it is stated that as the first child of the family the applicant was appointed in Railway on compassionate ground to look after the family.

5. That with regards to para 4.4 is stated that the father of the applicant expired on 13.4.83. And at the time of his death the applicant, the mother and minor brothers and sisters were residing in the Qrs.No.L/285/(B) Type;II at Badarpur which was in the name of her father. After her appointment the said Qrs. was allotted to her.

6. That with regards to para 4.5 it is stated that the applicant was appointed in Railway service as clerk on compassionate ground. After her appointment in Railway as stated here in the above, the applicant was allotted the Qrs. No.L/285(B) Type:II at Badarpur. And she was residing with her brothers and sisters.

7. That with regards to para 4.6 it is stated that on 26.02.93 the applicant entered into marriage

with Shri Sudhangshu Biswas, Hd. Clerk in the Office of Sr. Section Engineer/Loco/Badarpur. It may be pointed out that Shri Sudhangshu Biswas also holding a Qrs. No.L/42(B) Type:I - Better type (Elect.) at GRP Colony/Badarpur. And after their marriage the applicant and her husband were residing jointly.

8. That with regards to para 4.7 it is stated that Shri Sudhangshu Biswas subsequently was allotted Qrs. No. 577(E) Type:II at Badarpur. The applicant at the same time holding the Qrs. No. L/285(B) Type:II (Elect.) at Badarpur purportedly for her brothers and sisters.

9. That with regards to para 4.8 it is stated that the applicant made an application dated 25.5.93 to the Divisional Mechanical Engineer(P)/N.F.Rly/Lumding seeking permission to retain the Qrs. No.L/285(B) Type : II at Saheb Colony/Badarpur stating that her husband Shri Sudhangshu Biswas is the occupant of qrs. No.L/42(B) Type: I/B (Elect.) at GRP colony/Badarpur. After her marriage with Shri Biswas she was residing with her husband in the Qrs.No. L/42(B) Type: I/B (Elect.) at Badarpur. After the expiry of her father, her mother also expired within three months. She further stated that all her unmarried minor brothers and sisters were wholly dependent upon her and they were residing in the Qrs. No.L/285(B) Type II (Elect.) at Badarpur. Interalia on these grounds,

contd...p/4

she prayed for retention of Qrs. No. L/285(B) Type: II (Elect.) at Badarpur till her brothers are self dependent.

10. That with regards to para 4.10 to 4.11 it is stated that it is admitted that vide letter No. M?BP?G-IV/93 dated 17.06.93 the applicant was directed to surrender the qrs. No.L/285(B) Type: II (Elect.) at Badarpur on the ground that the applicant was residing with her husband in his qrs. It is also stated that the applicant and her husband submitted a joint application even dated 22.6.93 and pointed out CPO/MLG's Circular No. Misc/1496/E/9/O-I(C) Pt.IV dated 01.09.92.

11. That with regards to para 4.12 it is stated that in reference to the applicants letter dated 25.5.93 Senior Divisional Mechanical Engineer (Power)/N.F.Railway/Lumding vide his letter No. M/258/LM/9 Pt. III dated 30.8.93 intimated to Smt. Manika Biswas that in terms of extent rules where two employees in occupation of two separate residences at the same station, allotted under the Rly. rules, marry one another they shall within one month of the marriage surrender one of the residences. Accordingly she was advised to surrender one of the two qrs. within one month otherwise the allotment of Rly. residence would be deemed to have been cancelled on the expiry of such period.

contd....p/5

12. That with regards to para 4.13 to 4.18 it is stated that applicant was not looking after her parent as both her father and mother has expired. As such the applicant was not entitled for the scope she claimed under the CPO/ Maligaon's Circular dated 01.09.92. It is also stated that the husband of the applicant vacated the qrs. No. 577-E Type: II(Elec.) at Badarpur on 01.01.99.

13. That with regards to para 4.19 to 4.20 it is stated that the allegation of the applicant here in these paragraphs are denied as because the claim of the applicant is without any basis. The respondent admit those things which are borne on records only.

14. That with regards to para 4.22 it is stated that the Railway Boards Circular is mis-understood by the applicant. Further the ^{respondent} ~~applicant~~ admit those things which are borne ^{on} ~~are~~ records and allegation of the applicant ~~are~~ made in the paragraph are denied.

15. That with regards to para 4.24 to 4.25 it is stated that the contention of the applicant are not correct and hence the same are denied.

16. That with regards to para 4.26 to 4.28 it is stated that the damage rent is being recovered from the salary of the applicant as per DRM(M)/Lumding's Letter No.M/258/LM/17, dt.12.1.2001 and 08.02.2001.

contd...p/6

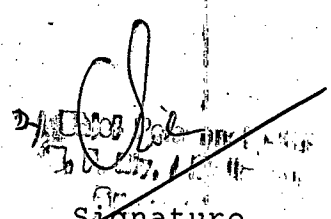
17. That in the facts and circumstances of the case the application deserves to be dismissed with cost.

VERIFICATION

I, C. SAikia, working as
Docdono N.E. Railway, Maligaon, do hereby
verify that, the statements made in the Paragraphs
1 to 17 are true to my knowledge.

Guwahati

07-6-2002


Signature