

50/100

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

✓ (DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 154/2001

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SECTION OFFICER (Judl.)

uuitre300

FORM NO.4  
(See Rule 42 )

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

ORDER SHEET

Original APPLICATION NO ...154.....OF 2001.

Applicant (s) Chandi Nath Sarma

Respondent (s) U.O.I for.

Advocate for Applicants (s) G.K. Bhattacharyee, G.N. Das

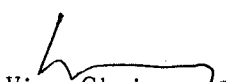
Advocate for Respondent (s) B. Chandling  
C.A.S.C.

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

This application is in form  
but not in time Condonation.  
Petition is filed vide  
M. P. No. C.F.  
for Rs. 5/- deposited vide  
IPO/B. No. 66,792255  
Dated.....23.4.2001.....

25.4.2001

The application is admitted. Call  
for the records. List it for orders on 8.6.01.

  
Vice-Chairman

nk m

NS  
24/4/01  
8.6.01

Mr.S.Sarma, learned counsel for the  
respondents asked for time to file written  
statement.

List on 5-7-2001 for order.

3/5/2001

Notice is prepared and  
Sent to D/Section for  
forwarding to the Respondents  
NO. 1 to 4 vide D.NO. 1616 to  
1619 dtd. 03-5-2001

5.7.01

List on 10.8.01 to enable the  
respondents to file written statement.

  
Vice-Chairman

lm

(2)

① Service report are still awaited.

10.8.01

None is present for the applicant.  
List on 7/9/01 for order.

② No. written statement has been filed.

By  
4.7.01

mb

7.9.01

4 weeks time is allowed to the respondents to file written statement.

List on 10/10/01 for order.

No. written statement has been filed.

By  
9.8.01

mb

No. wts has been filed.

By  
6.9.01

10.10.01

List on 28.11.01 to enable the respondents to file written statement.

No. written statement has been filed.

By  
9.10.01

pg

28.11.01

Mr S.Sarma, learned counsel for the respondents prays for time to file written statement. Prayer allowed.

List on 2.1.2002 for order.

No. written statement has been filed.

By  
27.11.01

pg

2.1.02

No. wts has been filed.

By  
1.1.02

No. written statement has been filed.

By  
5.2.02

lm

Member

Member

Vice-Chairman

Member

~~Though several opportunity~~

Though the opportunity was given to the respondents, the respondents have not filed the written statement. The case be listed for hearing on 6.2.02. In the meanwhile the respondents may file written statement.

Member

O.A. No. 154 of 2001

Notes of the Registry

Date

Order of the Tribunal

6.2.02

Prayer has been made on behalf of Mr. G.K. Bhattacharyya, learned counsel for the applicant for adjournment of the case. Prayer is allowed. List on 28.2.2002 for hearing.

Vice-Chairman

mb

28.2.02

Heard in Court.  
List on 6/3/2002.

As  
A.K. J.  
28.2

6.3.02

Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The application is allowed in terms of the order. No order as to costs.

Member

Vice-Chairman

pg

[illegible]

Date

Order of the Trib

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 154 of 2001

Date of Decision.....6-3-2002.

Sri Chandi Nath Sarma

-----Petitioner(S)

Sri G.K.Bhattacharyya, B.Choudhury

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

-Versus-

Union of India & Crs.

-----Respondent(s)

Sri J.L.Sarkar, Railway standing 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

7

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 154 of 2001.

Date of Order : This the 6th Day of March, 2002.

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

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

Shri Chandi Nath Sarma,  
son of Late Ratneswar Sarma,  
Resident of Kushalnagar,  
P.O. Bamunimaidan,  
Guwahati-21.

. . . Applicant

By Advocate Sri G.K.Bhattacharya, B.Choudhury.

- Versus -

1. The Union of India,  
Represented by the General Manager,  
N.F.Railway, Maligaon,  
Guwahati.
2. Divisional Railway Manager,  
N.F.Railway, Lumding,  
District - Nagaon, Assam.
3. Senior Divisional Mechanical  
Engineer (Diesel),  
New Guwahati,  
N.F.Railway.
4. Senior Section Engineer (Works)  
N.F.Railway,  
New Guwahati.

. . . Respondents.

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

O R D E R

CHOWDHURY J.(V.C)

The applicant is a Railway servant and presently working as a Junior Engineer-II (Electrical) at Diesel Shed, New Guwahati. He was allotted a railway quarter No. 332(C) Type II at New Guwahati vide allotment order dated 15.12.93. According to the applicant he surrendered from the quarter allotted to him with effect/15.1.2000. The applicant stated that on 23.1.2000 he received a letter dated 7.1.2000 issued by the respondent No.3 informing

contd..2

the applicant that the railway quarter allotted to him was cancelled . On receipt of the communication dated 7.1.2000 from the office of the Senior Divisional Mechanical Engineer stating that the said quarter had been sub leted by the applicant, the applicant vacated the quarter on 15.1.2000. The applicant however stated that by the communication dated 9.3.2000 damage rent was deducted from him for the period from the date of sub letting to the date of vacation of the quarter. The applicant <sup>had</sup> already vacated the quarter and by communication dated 25.1.2000 the authority took possession of the said quarter. The applicant submitted his application dated 3.2.2000 before the respondent No.3 claiming House Rent Allowance admissible under the rules. Since the respondents did not respond to it, the applicant moved this Tribunal praying for a direction on the respondents to pay him the house rent allowance. The applicant also mentioned about the enquiry held by the respondents under Rule 11 of the Railway Servants (Discipline and Appeal) Rules, 1968 on the allegation that he had subletted the railway quarter in question. The applicant submitted his written statement and in due course the respondents imposed penalty on the applicant vide order dated 26.4.2000 stopping his increment for 2 years without cumulative effect. It has been stated that the applicant has preferred an appeal against that order and that appeal is still pending before the authority.

2. The respondents submitted its written statement. In the written statement the respondents stated that the applicant's claim for house rent allowance was forwarded to the DGM(G), N.F.Railway, Maligaon for clarification



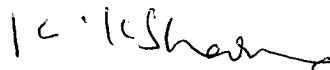
and the matter is still under consideration. As regards the applicant's contention as to the recovery of damage rent the respondents stated that the damage rent was deducted for the period from the date of sub-letting to the date of vacation of quarter. In the written statement the respondents also mentioned that the appeal of the applicant addressed to the appellate authority received on 10.1.2001 and the same was forwarded to the appellate authority for disposal.

3. We have heard Mr B.Choudhury, learned counsel for the applicant as well as Mr J.L.Sarkar, learned Railway standing counsel for the respondents at length. On consideration of the materials on record it appears that the applicant is not occupying any railway quarter. He vacated the same quarter on 15.1.2000 and the applicant is now living in his own house. A railway servant living in a house owned by him, his wife, children, father or mother shall also be eligible for house rent allowance under the scheme adopted by the Railway authority. In the office memorandum it is indicated about the mechanism for providing house rent allowance to the railway servants on fulfilling the required conditions. In the circumstances we do not find any justification for not providing the house rent allowance to the applicant as per rules. On the teeth of the opposition raised by Mr J.L.Sarkar we hold that the applicant is entitled to the house rent allowance as per law. As to the legality of the order of imposition of penalty on the applicant we are not passing any order in view of the fact that the matter is under consideration before the appellate authority. In our considered opinion the appellate authority is required to decide the appeal.


Let the appellate authority decide the appeal, preferably within a period of 3 months from the date of receipt of this order.

4. For the reasons stated above we direct the respondents to take up the matter pertaining to granting of house rent allowance to the applicant and pass necessary order thereon within a period of 3 months from the date of receipt of this order.

The application is allowed to the extent indicated. There shall, however, be no order as to costs.



( K.K.SHARMA )  
ADMINISTRATIVE MEMBER



( D.N.CHOWDHURY )  
VICE CHAIRMAN

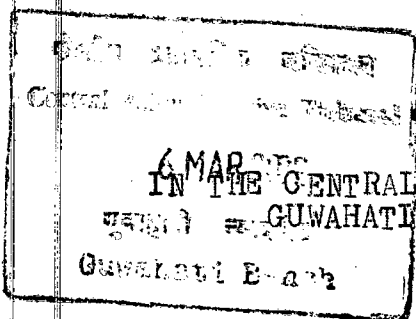


4. It is humbly submitted that the OA deserves to be dismissed.

A copy of this written argument is being given to the counsel of the *applicant*. Submitted Please.

*J. L. Sarkar*  
6/3/2002  
( J. L. Sarkar )

Advocate.



ADMINISTRATIVE TRIBUNAL  
BENCH GUWAHATI

O.A. No. 154/2001

Sri C.N. Sarma

=Vs=

Union of India & 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.
3. That before traversing the para-wise statement  
of the Original application the respondents beg to state  
the brief history of the case as under:

That the applicant is at present posted at NGC  
Diesel Shed and he was allotted Railway Quarter No. 332-C  
Type-II at New Guwahati. According to Quarter allotment  
Rule 1989 ( hereinafter referred to as the said rule )  
a Railway employee can not sublet the quarter allotted  
to him. Para 10.5 of the said Rule reads as under:

Contd..2-/

13  
*[Signature]*

St. Div. Guwahati  
6/3/2002

Filed by an independent  
through B. Chakraborty  
6/3/2002

" 10.5 It shall be clearly understood by the railway employee occupying a railway quarter that the quarters are meant for his bonafied use only. He shall not sublet any part or whole of the house. Complaints in this regard shall be addressed to Chairman. Housing Committee. If the complaint is justified he shall report the matter to the Controlling Officers for necessary DAR action and the allotment shall be cancelled forthwith. "

14  
Sr. Divl. Personnel Officer  
N. E. Rly., Lending

It is stated that the applicant subletted the quarter allotted to him wef. 16-11-99. As per the quarter allotment rule. 1989 the allotment of the said quarter was cancelled by the Office letter dated 7.1.2000 and damage rent was imposed from the date of subletting to the date of vacation of the quarter. Besides, DAR action was taken by stopping the applicants's increment for 2 years with non-cumulative effect.

4. That in reply to the statements in para 4.1 to 4.4 it is stated that Sr.Divisional Engineer, Maligaon issued Office letter dated : 27/12/1999 to the D ME/D/NGC for taking necessary action departmentally against the applicant for subletting the quarter No. 332(C) Type-II wef. 16-11-1999. As per the said rule the allotment of the said quarter was cancelled by the Officer letter No. M/258/D/NGC/2 dated. 7/1/2000 and the applicant was asked to vacate and hand over the said quarter to Senior Section Engineer (Works), New Guwahati. The applicant vacated the said Quarter on 25/1/01.

Contd...3-/

5. That in reply to the statements in para 4.5 to 4.7 it is stated that the application of the applicant claiming House Rent Allowance was forwarded to DGM(G)/N.F.Rly./MLG for clarification as to whether he can be given such allowances. It is denied that the applicant was given verbal assurance regarding House Rent Allowance.

As per the said Rule the disciplinary action was initiated against the applicant by Mem<sup>o</sup>. No. M/258/D/NGC/2 dtd: 9/3/2000, and the damage rent was deducted for the period from the date of sub-letting to the date of vacation of quarter.

6. That in reply to the statements in para 4.8 to 4.9 it is stated that after considering the defence submitted by the applicant the disciplinary authority imposed penalty of stoppage of next increment for 2 years without cumulative effect. It is stated that the applicant did not take any permission to leave Head Quarter in the month of November-1999. He was present on duty. Therefore, it is denied that the applicant was out of station. It is further stated that any allottee, to keep his relatives other than family, has to take prior permission from his controlling Officer. No such permission was obtained by the applicant.

7. That in reply to the statements in para 4.10 it is stated that the appeal of the applicant addressed to the appellate authority i.e. DRM/LMG was received by the respondent No.3 on 10/1/2001 and the same was forwarded to the appellate authority for his disposal. ✓

Contd..4-/

अतिरिक्त अधिकारी  
St. Divl. Personnel Office  
पुणे, महाराष्ट्र  
N. F. Rly., L. d. diag

8. That in reply to the statements in para 4.11 the respondents reiterate the statements made in foregoing paras.

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

VERIFICATION

I, Shri Trikalagya Rabha working  
as Sr. Divisional personnel officer  
N.F. Railway. Lunding, do hereby verify that, the statements  
made in the paragraphs 1 to 9 are true to my knowledge.

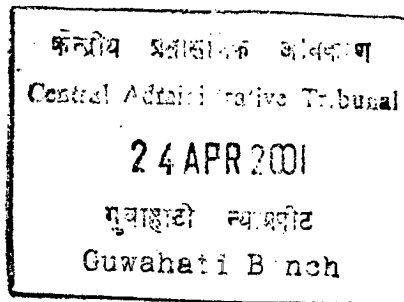
Lunding.

05th March 2002.

Signature: Trikalagya Rabha

वरिष्ठ विभाग अधिकारी  
Sr. Divl. Personnel Officer  
न. फ. रेलवे, लुन्दिंग  
N. F. Rly., Lunding





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

O. A. NO. 154 /2001.

Shri Chandi Nath Sarma .

... Applicant .

-Versus-

Union of India and others.

... Respondents .

I N D E X

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Filed by:-

*Bikram Choudhury*  
(Advocate)

23.04.01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

(An application U/s. 19 of the Administrative Tribunal  
Act, 1985)

ORIGINAL APPLICATION NO. OF 2001

Shri. Chandi Nath Sarma,  
son of Late Ratneswar Sarma,  
Resident of Kushalnagar,  
P.O. Bamunimaidan,  
Guwahati-781021.

...APPLICANT

-VERSUS-

1. The Union of India,  
Represented by the General Manager  
N.F. Railway, Maligaon,  
Guwahati.
2. Divisional Railway Manager,  
N.F. Railway, Lumding,  
District - Nagaon, Assam.
3. Senior Divisional Mechanical  
Engineer (Diesel),  
New Guwahati,  
N.F. Railway.

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Chandi Nath Sarma  
Filed by the applicant through  
Bikram Choudhury, Advocate. 23-04-01

4. Senior Section Engineer (Works)

New Guwahati,

N.F.Railway.

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

i) Illegal and arbitrary action of the authorities in denying the applicant the house rent allowance otherwise admissible to him as provided in the Railway Boards Circular dtd. 26.7.67.

ii) Office order No. M/258/D/NGC/2 dtd. 26.4.2000 passed by the Respondent No. 3 whereby a penalty of stoppage of next increment for 2 years without commutative effect was imposed on the applicant and illegal and arbitrary action of the appellate authority (Respondent No.2) in not disposing of the appeal dtd. 12.6.2000.

2. JURISDICTION

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Tribunal.

3. LIMITATION.

The applicant further declares that the

Contd.../-

2/

Contd.../-

application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE

1. That, the applicant initially joined service under the N.F.Railway as #Electrician Grade-III in the year 1967 and in due course he was promoted to Junior Engineer-II (Electrical) in the year 1998 and at present he is posted as such at Diesel Shed, New Guwahati and the applicant was allotted a railway quarter No. 332(C) Type II at New Guwahati vide Office allotment order No. M/258/D/NGC/1 dtd. 15.12.93.

2. That the applicant begs to state that on 7.1.2000, he submitted a letter to Respondent No. 3 stating the facts due to which he was surrendering the railway quarter allotted to him w.e.f. 15.01.2000.

A copy of the letter dtd. 7.1.2000 is annexed herewith and marked as ANNEXURE-I.

3. That, subsequently, on 23.1.2000 the applicant received letter No. M/258/D/NGC/2 dtd. 7.1.2000 issued by Respondent No. 3, whereby the applicant was informed that the railway quarter allotted him had been cancelled with immediate effect on receipt of a commu-

Contd.../-

28

21  
nication dtd. 27/30.12.99 from the office of Senior Divisional Engineer stating that the said quarter had been subletted by the applicant. However, in the context, the applicant states that the said allotted quarter was cancelled without giving him any prior notice of cancellation. In the said letter the applicant was further directed to hand over the quarter to Respondent no. 4 and to produce a clearance report regarding vacation of quarter from Respondent no. 4. In the above mentioned letter, the office Superintendent (Electrical) was also directed to recover damage rent till a clearance report regarding vacation of quarter is obtained and produced from respondent no.4.

A copy of the letter dtd. 7.1.2000 is annexed herewith and marked as ANNEXURE-II.

4. That the applicant begs to state that on receipt of the letter dtd. 7.1.2000 (Annexure-II), the applicant immediately vacated the quarter on 25.1.2000 and accordingly handed over the possession to Respondent no. 4 who accepted the same by his letter No.G/NGC/2 dtd. 25.1.2000. The applicant thereafter submitted the letter in the office of Respondent no. 3.

A copy of the letter dtd. 25.1.2000 is annexed herewith and marked as ANNEXURE-III.

5. That, thereafter, the applicant on 3.2.2000 made an application to Respondent No. 3 claiming house rent allowance which is admissible to him as per rules after surrendering the quarter allotted on the ground of unauthorized subletting but there was no response to his letter. The applicant, thereafter had been visiting the office of respondent authorities several times and he was given verbal assurance that house rent allowance will be given to him.

A copy of the application dtd. 3.2.2000 is annexed herewith and marked as ANNEXURE-IV.

6. That, in the meanwhile, the respondent authorities had calculated the damage rent at Rs. 2100/- (Rupees two thousand and one hundred only) and had started recovering the same in installments from the applicant.

Some copies of the pay-in-slip showing the recovery of damage rent are annexed herewith and marked as ANNEXURE-V.

7. That, as such, the applicant was surprised to receive one Memorandum no M/258/D/NGC/2 dtd. 9.3.2000 from Respondent No. 3 on 15.3.2000, whereby the applicant was informed that the respondent authorities has proposed to take action against him under Rule 11 of the

Contd.../-

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Railway Servants (Discipline and Appeal) Rules, 1968. The charge was that the applicant had subletted the railway quarter No. 332(C) Type II at New Guwahati allotted to him. It is relevant to mention here that the applicant had already vacated his quarter on 25.1.2000 against which he had submitted a vacation report dtd. 25.1.2000 from Respondent no. 4 and damage rent was being recovered.

A copy of the said Memorandum dtd. 9.3.2000 is annexed herewith and marked as ANNEXURE-VI.

8. That, on receipt of the charge memorandum, the applicant immediately, on 24.3.2000, submitted his written statement in defence denying the charge and stating that during the month of November, 1999 his family was out of station for treatment of his wife and during this period one of his relatives was there for looking after the quarter. When <sup>applicant</sup> ~~they~~ returned to Guwahati, he came to know that somebody wrongly reported to Sr. D.E.N., Maligaon, that ~~he~~ was subletting the quarter on the basis of which ~~he~~ had to vacate the quarter.

A copy of the said defence is annexed herewith and marked as ANNEXURE-VII.

Contd.../-

9. That, as such, the applicant was surprised to receive the impugned order No. M/258/D/NGC/2 dtd. 26.4.2000, passed by the Respondent No. 3, whereby, the applicant was informed that the explanation to the minor penalty charge memorandum dtd. 9.3.2000 submitted by him was not found satisfactory and a penalty of stoppage of next increment for 2 years without cumulative effect has been imposed.

A copy of the impugned order dtd. 26.4.2000 is annexed herewith and marked as ANNEXURE-VIII

10. That, thereafter, the applicant immediately on 12.06.2000, submitted an appeal to Respondent no. 2 challenging the order of penalty (Annexure-VIII) dtd. 26.4.2000 and that there was no justification in imposing the penalty as damage rent had already been deducted from the applicant's salary and prayed that he be exempted from the charge and house rent allowance be paid to him which is otherwise admissible to the applicant as per rules. It is pertinent to mention here that the appellate authority is required to dispose of such an appeal in terms of provision laid down in Rule 22 (2) (a), (b) and (c) of the *Railway Servants Discipline and Appeal Rules, 1968*.

A copy of the appeal dtd. 12.06.2000 is annexed herewith and marked as ANNEXURE-IX.

Contd.../-



11. That the applicant begs to state that the applicant had officially surrendered the quarter allotted to him as per letter dtd. 7.1.2000 (Annexure-I) on the information received by the respondent No. 3 that he had subletted the quarter and the authorities had also recovered the damage rent. As such, now the action of the authorities in imposing a minor penalty of stoppage of next increment for 2 years without commutative effect is illegal and arbitrary and that there can be no justification in not giving him house rent allowance as admissible to him as per Railway Board's circular.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

i) For that, the impugned order of imposing a penalty of stoppage of next increment for two years without commutative effect was passed in violation of rules and in flagrant violation of the principles of natural justice and as such the impugned order is bad in law and is liable to be set aside.

ii) For that, the action of the authorities in imposing the penalty by a non-speaking order on the charge of subletting even after recovering the damage rent on the same charge is wholly illegal and arbitrary and such action is not sustainable in law and as such the impugned order is liable to be set aside.

Contd.../-

iii) For that, establishment rule 17 of the House Rent Allowance entitles a railway servant to House Rent Allowance if he is debarred from allotment of railway quarter due to subletting and as such, the action of the authorities in not giving the allowance is illegal and arbitrary and is not sustainable in law.

iv) For that the applicant was debarred from occupying the quarter without giving him any opportunity of being heard and as such the action of the authority is bad in law and liable to be set aside.

v) For that in any view of the matter the applicant is entitled to house rent allowance and that not being done the action is liable to be set aside.

6. DETAILS OF REMEDY EXHAUSTED

The applicant had represented against the order of imposing penalty (Annexure-VIII) by his appeal dated 12.06.2000 (Annexure-IX) and there has been no response.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

That applicant further declares that he has

Contd.../-

not previously filed any application/writ petition or suit regarding the matter in respect of which this application has been made before any court of law or any other authority or any other Bench of this Hon'ble Tribunal and no such application/writ application or suit is pending before any of them.

8. PRAYER

It is, therefore, prayed that Your Lordships would be pleased to admit this application, call for the entire records of the case, ask the respondents to show cause as to why the applicant shall not be given the house rent allowance as permissible under the Rule and as to why the appellate authority (Respondent No.2) should not be directed to dispose of the appeal without further delay and after hearing the parties and perusing the causes shown, if any, be pleased to direct the authorities to give house rent allowance as admissible to the applicant and direct the Respondent No. 2 to dispose of the pending appeal dtd. 12.6.2000 with a speaking order within a stipulated time and/or pass any other order/ orders as Your Lordships may deem fit and proper.

And for this act of your kindness, the applicant as in duty bound shall ever pray.

Contd.../-

Ja

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9. INTERIM ORDER : NIL.
10. DOES NOT ARISE.
11. POSTAL ORDER NO. 66792255 DATED 23.4.01 OF  
GUWAHATI POST OFFICE IS ANNEXED.
12. LIST OF ENCLOSURE  
As stated in the index.

Contd.../-

### VERIFICATION

I, Shri Chandi Nath Sarma, son of Late Ratneswar Sarma, aged about 55 years, resident of Kushalnagar, P.O. Bamunimaidan, Guwahati-21 in the district of Kamrup, Assam, do hereby, verify that the statements made in paragraphs No. 1, 2, 5, 10 and 11 are true to my personal knowledge and the statements made in paragraphs No. 3, 4, 6, 7, 8 and 9 are believed to be true on legal advice and that I have not suppressed any material fact.

Place : 23-04-01.

Date : Guwahati

Chandi Nath Sarma,  
Signature of the applicant

Contd.../-

(Typed)

To

Dated 07/01/2000 <sup>30</sup>

The Sr.DME/NGC N.F.Rly.

Through proper channel.

Sub :- surrendering of Rly.Qr.No.332/c at New Guwahati  
Rly. Colony.

Sir,

With due respect I would like to lay the following  
few lines for your kind consideration please .

That Sir, Rly.Qr.No.332/c at NGC Rly Colony was  
alloted in favour of me against your letter No.258/D/NGC/1  
dated 15.12.93. But Sir, I have to stay with my old ailing  
mother where she lives at her own house at Hangrabari and  
needs frequent nursing ,as I am only the son of herto do  
some .

Due to the above circumstances I do hereby surrender-  
ing my Rly Qr.No.332/c type II w.e.f. 15.01.2000 .

Therefore I request you would be kind enough to  
consider my case and oblige please .

Thanking you .

Yours faithfully,

C.N.Sarma

JE-II(E)

Pl. Shed NGC

Date 07.01.2000

Attested by  
*[Signature]*  
Advocate

....

M. F. TALLEY

Office of the  
Sr. DME (DISEL) / NCC

No. W/258/D/NCC/2

Dated 7.1.2000

To  
✓ Sri. C. N. Sharma

JE/D/D/10/10

Subj: - Cancellation of allotment order of Fly. Qr.  
No. 332 (C) Type - II / NCCRef: - Sr. DEN / LG's letter No. 3/3/15/Sub Dated  
27/3/12.00.

The Fly. Qr. No. 332 (C) Type - II / NCC which was allotted to you vide this office allotment order No. W/258/D/10/10 Dated 15/12/99 is subletted by you. This was communicated to this office vide above referred letter.

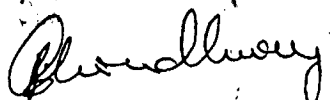
In view of the above, the allotment order of the above Fly. Qr. No. 332 (C) Type - II / NCC stands as cancelled with immediate effect. You should hand over the quarter to SSE/W/NCC and produce a clearance report regarding vacation of quarter obtained from SSE/W/NCC to this office.

Sr. DME (DISEL) / NCC

Copy to:

- 1) DGM/G/MIG } For information please.
- 2) Sr. DEN / MIG }
- 3) SSE/W/NCC }
- 4) CS/E - to arrange recovery of damage rent at the prevailing rate from Sri. C. N. Sharma, JE/D/D/10/10 till such time a clearance report regarding vacation of Qr. is obtained and produced from SSE/W/NCC.

Sr. DME (DISEL) / NCC



- 15 -  
(Typed)

32  
ANNEXURE-III

N.F. Railway

N.F. MLG 40 A

No. G/NGC/2

RB-GK 19  
Dated 25.01.2000

From :- SSE((W) NGC

To Sr. DME/D/NGC

N.F. Rly.

N.F. Rly .

Sub :- Vacation report of Rly. Qr.No. 332/C

Ref :- Type-II, electrified of NGC.

SDME/D/NGC's L/No. M/258/D/NGC/2 dt. 07.01.2000.

In continuation of the L/No. under ref. the Rly. Qr.No. 332/C, Type-II at NGC has been vacated by Sri C.N. Sharma, JE/II/D on date 25.01.2000.

Accordingly the said Qr, has been kept under lock and Key of SSE(W)NGC on 25.01.2000.

Moreover it is vadiated from this end that the said Qr. may be allotted to the next senior most immediately to prevent unauthorise encroachment etc.

Sd/-Illegible,

Section Engineer (Works)

N.F. Railway New Guwahati.

Copy to :

1. DGM/G/MLG
2. SDEN/MLG ' For information please.
3. Sri C.N. Sharma  
JE/II/D

Sedtion Engineer(Works)

N.F. Railway New Guwahati.

*Choudhury*

.....



(Typed)

TO

SR.DME/DSL/NGC  
N.F.Rly.

Sub :- House rent allowance .

Ref :- SSE(W) NGC's L/No G/NGC/2 dated 25.01.2000 .

With reference to the above, the Rly.Qr.No.  
332/C Type -II at NGC has been vacated by me to  
SSE/W/NGC on 25.01.2000 .

I therefore, like to request you, to grant House  
rent allowance in favour of me .

Thanking you ,Sir.

Yours faithfully,

C.N.Sarma

JE-II(EL)

NGC Diesel Shed

Date 3.2.2000 .

DA-as above.

.....

Attested by

Advocate

# ANNEXURE V

N.F. RAILWAY/EDPO-MLO. AU-BU = 15-423

PAY-SLIP FOR FEBRUARY 2000 I. DUE DEPT MECHANCL SRL.NO 18

CHANDINATH SARMAN	BASIC PAY	6080.00	PF	504.00	GROSS PAY *	6584.00
DESONE	DA	2204.00	VDF	2000.00	TOT. DEDNS *	2644.00
PFNO #01399901-NO	CONVEY ALL	75.00	HOUSE RENT	85.00	NET PAY *	6095.00
	MHA	200.00	PROF-TAX	95.00		
	SCA	120.00	GRIS	50.00		
	TRLY PLN ALL	175.00	D.V. ADVANCE	150.00		

ALLOCATION NO\*

SIGNATURE

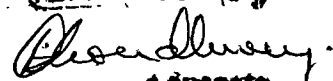
ALLOCATION NO\*

SIGNATURE

N.F. RAILWAY/EDPO-MLO. AU-BU = 15-423

PAY-SLIP FOR MARCH 2000 I. DUE DEPT MECHANCL SRL.NO 18

CHANDINATH SARMAN	BASIC PAY	6080.00	PF	504.00	GROSS PAY *	6584.00
DESONE JE - II	DA	2204.00	VDF	2000.00	TOT. DEDNS *	3494 (2777.00)
PFNO #01399901-NO	CONVEY ALL	75.00	PROF-TAX	85.00	NET PAY *	5165 (5880.00)
	MHA	120.00	GRIS	50.00		
	TRLY PLN ALL	175.00	D.V. ADVANCE	150.00		
			Damage Rent	415.00		

Attested by  
  
 Advocate

APRIL 2000 I. DUE DEPT MECHANICAL SRL NO

CHANDRANATH SARKAR  
DESIGN NO-2  
PENG #01399901-NO

PAY-IN-SLIP FOR

BASE PAY	2000.00	BASE PAY	2000.00
CONVEY ALL	100.00	CONVEY ALL	100.00
ADVA	100.00	ADVA	100.00
TRLY PLN ALL	100.00	TRLY PLN ALL	100.00
TOTAL	2200.00	TOTAL	2200.00
LESS TAX	(300.00)	LESS TAX	(300.00)
NET PAY	1900.00	NET PAY	1900.00

GROSS PAY \* 2000.00  
TOT. DEDNS \* 300.00  
NET PAY \* 1900.00

SIGNATURE

MAY 2000 I. DUE DEPT MECHANICAL SRL NO

CHANDRANATH SARKAR  
DESIGN NO-2  
PENG #01399901-NO

PAY-IN-SLIP FOR

BASE PAY	2000.00	BASE PAY	2000.00
CONVEY ALL	100.00	CONVEY ALL	100.00
ADVA	100.00	ADVA	100.00
TRLY PLN ALL	100.00	TRLY PLN ALL	100.00
TOTAL	2200.00	TOTAL	2200.00
LESS TAX	(300.00)	LESS TAX	(300.00)
NET PAY	1900.00	NET PAY	1900.00

GROSS PAY \* 2000.00  
TOT. DEDNS \* 300.00  
NET PAY \* 1900.00

SIGNATURE

PAGE NO 5

JUNE 2000 I. DUE DEPT MECHANICAL SRL NO

CHANDRANATH SARKAR  
DESIGN NO-2  
PENG #01399901-NO

PAY-IN-SLIP FOR

BASE PAY	2000.00	BASE PAY	2000.00
CONVEY ALL	100.00	CONVEY ALL	100.00
ADVA	100.00	ADVA	100.00
TRLY PLN ALL	100.00	TRLY PLN ALL	100.00
TOTAL	2200.00	TOTAL	2200.00
LESS TAX	(300.00)	LESS TAX	(300.00)
NET PAY	1900.00	NET PAY	1900.00

GROSS PAY \* 2000.00  
TOT. DEDNS \* 300.00  
NET PAY \* 1900.00

Noted

Chandranath Sarkar

Standard Form of Memorandum of charge for imposing minor penalties Rules of CS (DCA) Rules, 1960

No. MF.242/DINGC

Office of the S.DME/DNS (Name of Railway Administration)  
(Place of issue)..... NGR..... Dated. 7/2/2000

MEMO AND

Shri. C.N. Sharma..... (Designation) JE-II/NGC  
Office in which working. SS/D/NGR..... is hereby  
informed that the President Railway Board Underigned  
propose(s) to take action against him under Rule 11 of the  
Railway Servants (Discipline and Appeal) Rules, 1968. A State-  
ment of the imputation of misconduct or misbehaviour on  
which action is proposed to be taken as mentioned above is  
enclosed.

2. Shri. C.N. Sharma is hereby given an opportunity  
to make such representation as he may wish to make against  
the proposal. The representation, if any should be submitted  
by the undersigned (through the General Manager.....).  
ly., so as to reach the said General Manager within ten days  
of receipt of this Memorandum.

3. If Shri. C.N. Sharma fails to submit this repre-  
sentation within the period specified in Para 2, it will be  
presumed that he has no representation to make and orders  
will be liable to be passed against Shri. C.N. Sharma  
exparte.

4. The receipt of this Memorandum should be acknowledged by  
Shri. C.N. Sharma.....  
(By-order and in the name of the President).

V. Selvam - S.DME/D/NGC  
Name and designation of the  
competent authority.

(Signature)  
(Name)  
V. Selvam

To  
Shri. C.N. Sharma..... (Name, Designation, Office  
of the Railway serv mt.) JE-II/NGC under SS/D/NGC

To be retained where ever this Memorandum is issued by the  
Railway Board/the President.

Where the President is the disciplinary authority.

2/  
12/2/2K

Bhondliwary

Statement of Imputation of Misconduct

This office has been informed by Mr. Divl. Engineer  
N.E. Railway, Maligaon, vide his letter No.G.3/15/Sub dt.  
27-30/12-1999 that Shri C. N. Sharma  
Design: JE-11/NGC has subletted the Rly Gr.  
No. 332(C) NGC/1999 which was allotted to him.

This tantamounts to serious misconduct, for which  
he is charged.

*Choudhury*

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(Typed)

ANNEXURE-VII

38

NO. NIL .

To

The Sr.DME/D/NGC N.F.Rly.

Through proper channel .

Sub :- Defence of Memorandum .

Ref :- Your memorandum No.M/258/D/NGC II dated 9.3.2000 .

Sir,

Respectfully I beg to state that the following as defence against the memorandum cited above, I did not subteted my Qr.No. 332/C Type II NGC which have been changed in the memorandum .That sir in the month of Nov. 1999 my family was out of Guwahati due to physical trouble of my wife.During the period my relative was there to looking after my Qr. I would like to say that somebody wrongly reported to sr.DEN/MLG about sublet the Qr.Subsequently I surrendered my Qr. on 25.1.2000 vide your letter No.M/258/D/NGC/2 dated 7.1.2000 . Moreover damage rent has been charged from my salary w.e.f. 15.11.99 .so the charge brought against me is not true .

Therefore I request you that you would be kind enough to consider my case and excuse me from the charge which has been brought against me .

Thanking you Sir.

yours faithfully,

C.N.Sarma

JE-II(Elat ) NGC

Attested by  
*Choudhury*  
Advocate

.....

N. F. RLY.

Office of the  
Sr. DME (DIESEL)/NGC

No. H/258/D/NGC/2

Dated 26.4.2000

To  
Sri C.N. Sarma, SS/D/NGC  
JE/II/D/NGC

Sub:- Issue of Notice of Imposition of  
penalties to Sri C.N. Sarma, JE/II/NGC.

Enclosed find herewith one copy of Notice of  
Imposition of penalties issued against you.

Sr. DME (DIESEL)/NGC

Copy to:- OS/E at office alongwith one copy of the  
above NIP for record in P/Case of the  
staff concerned.

Sr. DME (DIESEL)/NGC

Attested by  
*Choudhury*  
Advocate

Rule 1707 i. and items i. and ii. Rule 1707.2 - II.

No. M/258/DINGE/2  
From Sgt. W. Selmann.  
To Sgt. C. N. Sarma.  
J.E./H./NGE...

With reference to your explanation to the charge sheet No. M/258/DINGE/2. Dated 2/2/2000 you are hereby informed that your explanation is not considered satisfactory and not accepted. You are next punishment 2 years (24 months) 2 years without commutation effect. No may represent to DCM/LMC within 15 days of receipt of this notice if he wish so

Signature and Designation

When the Notice is signed by and authority other than the Disciplinary authority here quote the authority passing the order.

Here quote the acceptance or rejection of explanation and the penalty imposed.

(This portion must be detached, signed and returned the office of issued.)

ACKNOWLEDGEMENT

To

I hereby acknowledge receipt of your Notice No. dt. to the charge sheet No. Dated

Station  
Date

Signature of Thumb Impression.  
Designation.

R  
29/4/20

Shoudhury



To  
The DGM/Landings,  
N.F. Railway.  
( Through Proper Channel )

Date: 12.06.2000 41

Subj:- Appeal to with the charge in the reference.

Ref:- Sr. ME/D/NCC's Letter No. M/258/D/NCC/2 dt. 26.4.2000.

Respected Sir,

Reference of letter no. cited above I would like to say the following few lines for your kind consideration and favourable orders.

That Sir, I have vacated my allotted quarter No. 332/C Type-II NCC Rly. Colony on 25/1/2000 to refrain from damage rent vide Sr. ME/D/NCC's Order No. M/258/D/NCC/2 dated 7.1.2000 and handed over to SSE/W/NCC vide his acceptance letter no. G/NCC/2 dt. 25.1.2000.

That Sir, one memorandum SF-11 was issued to me vi de Sr. ME/D/NCC No. M/258/D/NCC/2 dt. 9.3.2000 charging me for subletting after vacation of quarter.

That Sir, the charge is not true as myself and my family was not there in the quarter from 1st November, 1999 to January, 2000 due to my wife treatment out side of Guwahati city and a Medical Certificate produced. My relative was there in the quarter in the above period for looking after the quarter and subletting allegation arised from 15th Nov 1999 to onward. During that period somebody wrongly reported to Sr. DEN/MLG regarding the subletted of quarter by me. I returned to my quarter after my wife treatment.

I have submitted my defence against the charge SF-11 on dt. 24.3.2000, but I am very much regreted the defence was not accepted and considered and punishment of Annual increment is stopped for 24 months. A damage rent was also deducted from my salary upto the date of surrendering the quarter and not yet house rent allowance adjusted in the salary.

Hence I request your honour to look into my case and considering all representation and merit and exempt me from the charge and to order to refund the damage rent and normalised the age increment which is implemented due to impact of the case.

Hoping a prompt and sympathetic action and oblige.

Thanking you Sir,

DA: For ready reference

1. Cancellation of allotment Or. No. M/258/D/NCC/2 dt. 7.1.2000.
2. Vacation report of SSE/W/NCC No. G/NCC/2 dt. 25.1.2000.
3. Memorandum SF-11 No. M/258/D/NCC/2 dt. 9.3.2000.
4. Statement of Imputation of misconduct dt. 9.3.2000.
5. Defence memorandum dt. 24.3.2000.
6. Minor penalties order No. M/258/D/NCC/3 dt. 26.4.2000.
7. Issue imposing penalties No. 258/D/NCC/2 dt. 26.4.2000.
8. Doctors certificate No. HIL dt. 16/01/2000.

Yours faithfully,

Chandi N. N. Sarma

C. N. Sarma  
JE-II(B)

Attested by  
*Chandini*  
Attested