

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Parita
12/11/17

FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 315/2004

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants: Sri J. Singh

Respondents: M. O. I & ORS

Advocate of the Applicants: Sri K.K. Biswas (Advocate)

Advocate for the Respondents: Mr. A.K. Chaudhury
Addl. C.C. S. C.

Notes of the Registry | Date | Order of the Tribunal

13.12.2004 present: The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

This application is in form
is filed. F. No. I & ORS
depos. C. P. BD
No. 1104/4/2263
Dated 17/11/04

Dy. Registrar

Mr. K.K. Biswas, learned counsel for
the applicant states that the condonation
application has already been filed. In
case, the condonation application is
filed, the same be listed along with this
application on 14.12.2004.

S. O. Chaudhury

R
Vice-Chairman

bb

14.12.2004 Present: Hon'ble Justice Shri R.K. Batta, Vice-Chairman.

In view of the dismissal of
Misc. Petition No. 148/2004 the O.A. is
also dismissed.

23.12.04
Copy of the order has
been sent to the office
of issuing the sum alongwith
M.P. 148/04.

nkm

R
Vice-Chairman

ket

O.A. 315 of 04.

10.1.07.

In this matter the original order in O.A.No.315 of 04 has been set aside by the Hon'ble Gauhati High Court for consideration of the application on merit.

Issue notice on the Respondents to the counsel for the parties.

Post the matter on 6.2.07.

*Hand
written
- 17.1.07
Advocate*

1m

Vice-Chairman

*Copy served both the
parties
No reply received
by*

5.2.07

6.2.07 The Hon'ble Gauhati High Court vide order dated 24.11.06 in W.P.(C) No.3082/05 set aside the order dated 14.12.04 passed in O.A.No.315 of 2004 and M.P.No.148 of 2004 by this Tribunal and remanded the matter. This Tribunal in O.A.No.329 of 2001 by order-dated 29.8.2001 had granted certain reliefs to the applicants which they would be found entitled

6.2.07 The Hon'ble Gauhati High Court vide order dated 24.11.06 in W.P.(C) No.3082/05 set aside the order dated 14.12.04 passed in O.A.No.315 of 2004 and M.P.No.148 of 2004 by this Tribunal and remanded the matter. This Tribunal in O.A.No.329 of 2001 by order-dated 29.8.2001 had granted certain reliefs to the applicants which they would be found entitled within a period of three months. Thereafter, the applicant has filed Review Application No.2 of 2005 wherein there was some delay for which a condonation petition was filed. This Tribunal has dismissed the condonation petition vide order dated 18.1.05. The Hon'ble Gauhati High Court while considering the question of limitation against the Review application for condonation of delay passed the following order:

"It is submitted by the learned counsel that the petitioner had approached for non payment of house rent allowance by the

contd/-

Contd.
6.2.07

concerned authority and as such the claim of the petitioner cannot be held to be barred by limitation. Our attention has been drawn to the decision of the Central Administrative Tribunal, Guwahati Bench in O.A.No.329 of 2001 wherein vide order dated 29.8.2001, the Tribunal had granted house rent to the employees of the Cantonment Shillong from May, 1991. It is, therefore, submitted that similar relief has been granted to the similarly situated persons and that the house rent for 10 years was granted by the same Tribunal. As such the petitioner cannot be deprived of his house rent allowance, as the petitioner is also an employee of the Cantonment, Shillong.

In the light of the decision of the Apex Court in the case of Madras Port Trust, we hardly find any basis for rejecting the claim of the petitioner on the ground of limitation.

We therefore, set aside the order dated 14.12.04 passed by the Central Administrative Tribunal, Guwahati Bench and the Tribunal shall consider and dispose of the application in O.A.No.315 of 2004 on merit and present writ Petition stands disposed of accordingly."

I have heard Mr. K. K. Biswas learned counsel for the applicant and Mrs. M. Das learned Addl.C.G.S.C. for the respondents. It appears that though the applicant has filed the M.P. for condonation of delay in filing the Review Application, direction was given by the Hon'ble High Court to consider and dispose of O.A.No.315 of 2004 on merit.

Since this is a Division Bench matter, one-month time is granted to the respondents to file reply statement.

Post the matter on 7.3.2007.

6.3.07

No Reply filed

b

Vice-Chairman

7
4
07.03.07 Counsel for the respondents
prays for further time to file written
statement. Let it be done. Post the
matter on 28.3.07.

No WIs has been
billed.

Vice-Chairman

lm

27.3.07.

28.3.2007

Respondents are granted further
three weeks time to file reply statement.
post on 27.4.2007.

No WIs has been
billed.

Vice-Chairman

28.4.07.

bb

27.4.2007 Present: The Hon'ble Mr.G.Shanthappa
Member (J)

The Hon'ble Mr.G.Ray, Member (A).

Case called. Neither the Applicant nor the
learned counsel for the Applicant is present.
Mrs.M.Das, learned Addl.C.G.S.C. for the
Respondents submits that written statement is
ready and she is permitted to file before the
Registry after serving copy to the learned
counsel for the Applicant. Applicant is granted
four weeks' time to file rejoinder.

Call the case on 01.06.2007 for hearing.

6.6.07.

WIs submitted
by Respondents. Copy
not yet served.
page No. 1 to 22.

Ans.
No rejoinder filed.

22.6.07.

✓
Member (A)

✓
Member (J)

/bb/

1.6.2007

The matter is remitted by the High
Court. Mr.K.K.Biswas, learned counsel for
the Applicant wanted to file rejoinder. Three
weeks' time is allowed.

Post the case on 25.06.2007.

Vice-Chairman

/bb/

25.6.07.

At the request of learned counsel for the respondents case is adjourned.

11.7.07. Post the matter on 11.7.07.

Vice-Chairman

lm

Rejoinder not
filed.

25
10.7.07.

11.7.2007

Mr. K.K.Biswas, learned counsel for the Applicant sought for time to file rejoinder. Let it be done within two weeks.

Post the case on 26.7.2007.

Vice-Chairman

/bb/

25.7.07

26.7.07

An objection on petition by the Applicant against the Writ filed by Respondents.
Copy served.

Post on 14.8.07 for hearing. In the meantime the applicant may file rejoinder, if any.

Vice-Chairman

pg

11.10.07

The case is ready
for hearing.

25
(10.10.07)

The case is ready
for hearing.

25
19.11.07

pg

(Khushiram)
Member(A)

(Manoranjan Mohanty)
Vice-Chairman

JR

MM

20.11.2007

Mr.K.K.Biswas, learned counsel for the Applicant and Mrs. Manjula Das, learned Advocate for the Cantonment Board are present.

On the prayer of Mr.K.K.Biswas, learned counsel for the Applicant, call this matter on 29.11.2007.

*The case is ready
for hearing.*

*3/2
28.11.07.*

/bb/

K
(Khushiram)
Member (A)

M
(M.R.Mohanty)
Vice-Chairman

29.11.2007

Mr.K.K.Biswas, learned counsel for the Applicant has submitted an Application for withdrawal of the Original Application. Since the learned counsel for the Respondents is not present in the Court, the matter will be heard on 10.12.2007.

*The case is ready
for hearing.*

*3/2
7.12.07.*

K
(Khushiram)
Member(A)

10.12.2007

Mr.K.K.Biswas, learned counsel appearing for the Applicant is present. He has filed a memorandum dated 29.11.2007 seeking permission to withdraw this case. A copy of the said memorandum has already been received by Mr.G.Baishya, learned Sr. Standing counsel for the Union of India on behalf of Mrs.M.Das, learned Addl. Standing counsel for the Union of India.

Contd.....

Contd.

10.12.2007 This disposed of case (O.A. No.315/2004) has come on remand from the Hon'ble Gauhati High Court for fresh disposal. But at the hearing stage Mr.K.K.Biswas, learned counsel for the Applicant, with instruction from the Applicant, has prayed for withdrawal of the case; which is hereby allowed, after hearing learned counsel for the parties.

In the aforesaid premises, this Original Application stands dismissed being withdrawn/not pressed. No costs.

With the disposal of the O.A., M.P. No.148/2004 and R.A. No.2/2005 also stand disposed of.

Send copies of this order to the Applicant and also to all the Respondents in the addresses given in the Original Application.



(Gautam Ray)
Member (A)



(M.R.Mohanty)
Vice-Chairman

/bb/

PUC

Memo No. H.C. XXI. 7792-94/R.M. 270. 30/11/06
received from the Ass'tt. Registrar (Judt),
of the Hon'ble Gauhati High Court. A

The order dt'd 24.11.06 passed
in W.P.(c) No. 3082 of 2005 may
kindly be seen at PUC.

The Hon'ble Gauhati High Court
reverted the order dt'd 14.12.06 passed
in OA 315/2004 and M.P. No 148/2004
by this tribunal vide order dt'd
24.11.06 passed in W.P.(c) No. 3082/05
and remanded the above mentioned
cases to consider and dispose of the
application in OA No 315/2004 on merit.

Submitted for favour & kind
perusal and order.

8/12
6/12

N. Sarmo
7.12.06
so(J).

7/12/06
Hony. Dr. J. C. Sarmo

Place it before the Bench
after giving notice to the concerned
appellant for the purpose of 2 weeks
of January 2007.

7/12/06

Mr. K. C. Sarmo
P.L. note as above
N.T.
7.12.06

9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No.315 of 2004

DATE OF DECISION: 10.12.2007

Sri Jigir Singh

.....Applicant/s

Mr.K.K.Biswas

..... Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Mrs.M.Das, Addl.C.G.S.C.

.....Advocate for the
Respondents

CORAM

THE HON'BLE MR. M.R. MOHANTY, VICE CHAIRMAN

THE HON'BLE MR GAUTAM RAY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

Judgment delivered by

Vice-Chairman/Member (A)

N^o

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 315 of 2004 and
Misc. Application No.148 of 2005 and
Review Application No.2 of 2005

Date of Order: This, the 10th Day of December, 2007

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE SHRI GAUTAM RAY, ADMINISTRATIVE MEMBER

Sri Jigir Singh
Son of Late Inder Singh
Safaiwala, Cantonment Board
Shillong.

By Advocate Mr.K.K.Biswas. Applicant.

- Versus -

1. Union of India –
Representing by the Ministry of Defence
Cantonment Board
Shillong, Post Box No.83
Shillong – 793 001.
2. Cantonment Executive Officer
Cantonment Board, Shillong
Post Box No.83
Shillong - 793 001.

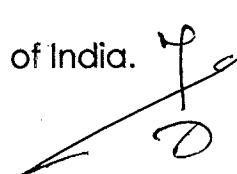
..... Respondents.

By Mrs.M.Das, Addl. C.G.S.C.

ORDER (ORAL)

M.R.MOHANTY, (V.C.):

Mr.K.K.Biswas, learned counsel appearing for the Applicant is present. He has filed a memorandum dated 29.11.2007 seeking permission to withdraw this case. A copy of the said memorandum has already been received by Mr.G.Baishya, learned Sr. Standing counsel for the Union of India on behalf of Mrs.M.Das, learned Addl. Standing counsel for the Union of India.



2. This disposed of case (O.A. No.315/2004) has come on remand from the Hon'ble Gauhati High Court for fresh disposal. But at the hearing stage Mr.K.K.Biswas, learned counsel for the Applicant, with instruction from the Applicant, has prayed for withdrawal of the case; which is hereby allowed, after hearing learned counsel for the parties.

3. In the aforesaid premises, this Original Application stands dismissed being withdrawn/not pressed. No costs.

4. With the disposal of the O.A., M.P. No.148/2004 and R.A. No.2/2005 also stand disposed of.

5. Send copies of this order to the Applicant and also to all the Respondents in the addresses given in the Original Application.


(GAUTAM RAY)
MEMBER (A)


(MANORANJAN MOHANTY)
VICE-CHAIRMAN

/bb/

12

File in Court on	29.11.07	OT
Court Officer.		

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

OA No. 315 of 2004

Sri Jigir SinghApplicant

-VS-

Union of India & Others Respondents

IN THE MATTER OF :

WITHDRAWAL PETITION BY THE APPLICANT

The Applicant above named most respectfully sheweth :

1. That the Applicant has since decided to withdraw the above Original Application so as to settle the matter with his Employer, the Respondents, amicably and/or in the case of its failure, seek for the appropriate Forum for the appropriate relief.
2. That, in the premises above, the Applicant, therefore, prays that the Hon'ble Tribunal may be pleased to allow the Applicant to withdraw the above O.A and pass necessary orders as deem fit and proper.

And, as in duty-bound, the Applicant shall remain ever grateful for this act of your kindness.

Filed by : *Mr. Jigir Singh*
 Date : 29.11.07
 Advocate
 Jigir Singh
 on behalf of Mrs. M. Das
 G. B. Singh & Sons
 10.12.07

9 DEC 2004

मुख्यमंत्री द्वारा दिया गया

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :
AT GUWAHATI

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

O. A. No.315..... of 2004

Sri Jigir Singh ----- Applicant.

Vs.

Union of India & Others ----- Respondents.

Synopsis

Application for non-receipt of House Rent Allowances for the period from ^{February, 1989} till allotment of a Govt. Qtr. in favour of the Applicant.

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Place : Guwahati.

Date : 09/12/2004.

Filed by:
K. K. Biswas
(K. K. BISWAS)
Advocate
9/12/2004

File No: 96-12/2004
Date: 06/03/2004
Advocate:
Jigir Singh

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

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

O. A. No. 315 of 2004

Sri Jigir Singh,
Son of Late Inder Singh,
Safaiwala, Cantonment Board,
Shillong.

----- **Applicant.**

Vs.

- 1) Union of India – Representing by the Ministry of Defence, Cantonment Board, Shillong, Post Box No. 83, Shillong-793001.
- 2) Cantonment Executive Officer, Cantonment Board, Shillong, Post Box No. 83, Shillong-793001.

----- **Respondents.**

DETAILS OF APPLICATION :

1. Particulars against which the application is made :

(a) Cantonment Executive Officer, Shillong, Respondent No. 2's letter No. SHG/8/Jigir Singh/189 Dt. 18/19-5-99.

(Annexure – B)

(b) The Commitment made by the Respondent No. 2 in the Memorandum of Settlement held on 7.7.2000 between the Respondent No. 2 and the Cantonment Board Employees Union, Shillong.

(Annexure – D)

Contd.....P/2 – Jurisdiction.

2. Jurisdiction :

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

3. Limitation :

That it is humbly submitted that the Applicant being illiterate and unaware of the Laws and Court procedures and also as he was all the time being assured by the Respondents that his case was being considered for allotting a Govt. residential accommodation as per prevailing system, the Applicant could not come to this Hon'ble Tribunal earlier.

2 The Applicant submits that a separate application has been filed under M.P. No.14.8..... of 2004.... praying for condonation of Delay in filling this Application and the Applicant prays that your Lordships may be kind enough to condone the delay and admit this Application for redressal of the Applicant and for which the Applicant shall remain ever grateful to your Lordships.

4. Facts of the case :

- 4.1 That the Applicant is the citizen of India and belongs to Scheduled Caste, and is, therefore, entitled to the rights and privileges guaranteed to the citizens of India under the Constitution.
- 4.2 That the Applicant joined the service in the Cantonment Board on 03-02-89 in the capacity of a Safaiwala (Sweeper) under the Cantonment Executive Officer, Cantonment Board, Shillong, and since then the Applicant has been discharging his duties upto the zenith satisfaction of his Superiors.
- 4.3 That as per prevailing System and Rules of the Applicant's service the Applicant is entitled to get a residential accommodation of his Department and in lieu of which the House Rent Allowances as admissible as in vogue shall have to be paid to the Applicant, as he is an essentially intermittent category of service to get the priority over others in getting a residential accommodation.

Advocate
Jigir Singh
Mehboob

not

4.4 That the Applicant has been favoured with a residential accommodation till date. ^{in this connection it is submitted that he} ~~date~~ ^{has applied for allotting his mother's or} in his favour ^{or her retirement in June 98 and the Applicant} ^{is not drawing any HRA right from his appointment.}

4.5 That in spite of repeated approaches to the concerned authorities by the Applicant, he was not given either a Govt. residential accommodation or the House Rent allowances till ~~date~~ ^{on and after 18/5/99}.

A copy of his written representation received by the Respondents on 28-12-98 is enclosed as Annexure - A.

4.6 That it was only after the said letter the above Respondent required the necessary information of the rented house of the Application in respect of granting House Rent Allowances vide their letter No. SHG/8/Jigir Singh/189 Dt. 18/19-5-99.

Copy of the above letter is placed as Annexure - B.

4.7 That in compliance with the Respondent's letter quoted above the applicant submitted necessary informations to the Respondents in respect of his living in a rented house.

The copies of the Certificates mentioned above are enclosed as Annexure - C, C/1.

4.8 That failing to get his grievances redressed the Applicant approached the Cantonment Board Employees Union, Shillong, for taking appropriate steps in the matter.

4.9 That due to initiative taken by the aforesaid Union the Respondents agreed to settle the matter and a Memorandum of settlement was formulated and signed by both the said Union and the Respondents on 07.07.2000.

Copy of the above Memorandum is submitted as Annexure - D.

*and players/ personal
approaches*

4.10 That even after submission of the required informations from time to time the Respondents have been observing chilly silence on the matter despite representations of the Applicant to get the commitment fulfilled as agreed to the Memorandum while discussing the matter with the Union.
copies of some representations are annexed as Annexures - E&F.

Contd.....P/4 - That the

4.11 *That since the "4" Applicant belongs to the "essentially intermittent" staff he should have been provided with a Govt. residential accommodation immediately after getting his appointment.*

4.12 That the inaction of the Respondents have sustained a severe financial loss to this poorly paid Applicant and his "just dues" were denied till date.

4.13 That the Respondents have infringed the constitutional safeguards guaranteed under Articles 14, 16(1), 21, 39(d) and 309 of the Constitution of India.

4.14 *That*
The Applicant craves leave of this Hon'ble Tribunal to file Additional Written statement / Rejoinder, if necessary, for the ends of justice.

5. Grounds for Relief:

5.1 For that the Applicant has been deprived of not getting the House Rent Allowances due to inaction of the Respondents till a Govt. residential quarter was allotted to the Applicant.

5.2 For that the commitment made by the Respondents to the Union to settle the problem of the Applicant was not honoured during the long span of 4 (four) years.

5.3 For that the financial loss was caused to the Applicant by the Respondent.

5.4 For that the Fairness of Administrative justice was denied.

5.5 For that the rules and prevailing system of the respondent's own set of rules were flouted by the respondents.

5.6 For that the inaction of the Administration has caused infringement of Fundamental rights in respect of Articles 14, 16, 21, 39(d) & 309 of the Constitution of India.

6. Details of Remedy exhausted:

The Applicant declares that failing to get his grievances redressed under the relevant service rules to the best of his capabilities he has come to this Hon'ble Tribunal for having Justice which seemed to him efficacious as per Article 21 of the Constitution of India.

7. **Matters not previously filed or pending with any other Court :-**

The Applicant most humbly submits that he has not previously filed any application, in this Tribunal nor any writ petition or suit regarding the matter in respect of which this application has been made before any court or any other Bench of the Tribunal.

8. **Relief Sought :**

(a) In the circumstances stated above the Applicant humbly prays that the Lordships of this Hon'ble Tribunal may be pleased to pass order and direct the Respondents to pay the House Rent Allowances to the Applicant as admissible under the prevailing Rules and System for the period from February/89 to till allotment of the Govt. quarter to the Applicant with all consequential benefits; and

(b) Interest at the prevailing market rate for the amount payable to the Applicant as House Rent Allowances for the loss occasioned to him; and

(c) Costs for the litigation expenses; and

(d) Any other relief(s) as the Hon'ble Tribunal may deem fit and proper.

9. **Interim Relief :**

Pending finalisation of this Application your Lordships may be pleased to pass such order as deem fit and proper.

10. **Particulars of Application Fee :**

Indian Postal Order No.....11G 4122-63..... dated 17-11-2004.... amounting to Rs.50.00 (Fifty only) to be drawn in the Head Post Office, Guwahati is enclosed herewith.

11. **Details of Index :**

An Index in duplicate containing the details of the documents to be relied upon is enclosed.

12. **List of Annexures :-**

A, B, C, D/1 , D , E, F

Ver. Bearer's
Advocate
Jigni Singh
Tribunal

VERIFICATION

I, Sri Jigir Singh, son of Late Inder Singh, aged about 36 years, working as Safaiwala under Cantonment Board Executive Officer, Shillong, do hereby solemnly affirm and verify that the contents of paragraphs 4.1 to 4.9 are the facts of the case and true to my knowledge, information and belief and that I have not suppressed any material facts and the Paras 4.10 to 4.14 are my humble and respectful submission before this Hon'ble Tribunal.

AND I sign this VERIFICATION on this 9th day of December, 2004.



Place : Guwahati.

Date :

SIGNATURE OF THE APPLICANT

To,

The Deputy Registrar,
Central Administrative Tribunal,
Guwahati.

(7) — ANNEPUR — A

To
The Executive Officer,
Cantonment Board, Shillong.

Sub: A Petition for House Rent Allowances.

sir,

I have the honour to inform you that I have neither been allotted an Official Quarter nor given House Rent allowances benefit ever since I have joined in my ^s service (on 3rd Feb' 84).

In this regard I would like to request you that house rent allowance from the day of my joining may please be sanctioned in my favour for which act of your kindness I shall ever remain grateful to you.

Yours faithfully,

sd/-

Date : Shg:

Jigir Singh

The 28th Dec 98

(sweeper)

Received.

sd/- 28-12-98.

True copy of Annexure - A
at page - 7 (hand-written)
placed below.

Reuben

9-12-04
Advocate

The Executive Officer
Government Petrol Pump

Sir,
Sick & petition for house rent allowance

I have the honor to inform you that I have neither been allotted an official quarter nor given house rent allowance benefit yet since I have joined in my section (Brd. F.S. 84) In this regard, I would like to request you that house rent allowance from the day of my joining may please be sanctioned in my favor for which a set of your kindness, I shall ever remain grateful to you.

D. K.
16.12.1988

Yours faithfully,

Jagir Singh
(S/o)

Received
S.G
28/12/1988

allotted
M.M.
29.11.88
Advocate

ANNEXURE - B

Telephones

4300/6904 (Mily)
223929 (Civil)

To

✓ Sh. Jigir Singh;
Safaiwala,
Cantt Board Shillong.

No. SHG/8/ Jigir Singh/183
Office of the Cantonment Board
Post Box No, 83, Shillong-793001
Dated the 18/5 May 1999

SUB: GRANT OF HRA.

Reference your letter dated 07.5.99

You are hereby required to furnish the house No.
and the names and address of your house owner of your rented
house for necessary action.

allied
M. Melvin
29.11.04
Advocate

Cantonment Executive Officer
(P. LAL)

ANNEXURE- C

9
"To Whom it may Concern."

This is to certify that Shri Jagir Singh
S/o. & Shri Inder Singh was a temporary resident
of this locality. He was staying in the
Rihsong Colony, Shillong since 23rd of Feb. 1989
^{June} to, 1994 on rent (as). 450/- Per month (Four
hundred and fifty) only (H/mo. 406 - W-23.)



(10/6/94)

Addressed
to Shri
N. K. Dhar
Advocate

To whom it may concern.

This is to certify that Sri Jagir Singh
son of Sri Inder Singh was a temporary
resident of the locality. He was staying
in the Gurdwara Residential Quarters
from July 1994 to March 1999 on rent @ 150/-
(Rupees four hundred fifty) only per month (House
no 63)

903107.CE
18.2.2000

President
Baba Jeevan Singh
City Gurdwara,
Bara Bazar, Shillong-2

President

City Gurdwara
Shillong-2

793002

Attest
Nelson
25/10/04
Advocate

ANNEXURE - D

MEMORANDUM OF SETTLEMENT UNDER SECTION 12(3) OF INDUSTRIAL DISPUTE ACT 1947

A Memorandum of Settlement under section 12(3) of Industrial Dispute Act 1947 arrived at between Cantonment Board Employees Union Shillong and Management Cantonment Board over the dispute of ~~under~~ unauthorised deduction of H.R.A.

Management Representative by : Sh. P. Lal, Executive Officer, Cantt Board Shillong.

Union represented by : Sh. Inder Singh, General Secretary.

SHORT RECITAL OF THE CASE

Union raised a dispute that persons, ~~not~~ staying in the Govt quarter are not being paid House rent. They raised a specific case of Sri Jigir Singh Safaiwala.

Management stated that fact is not correct Sri Jigir Singh was staying Govt accomodation allotted to earlier to his father & brother on to his mother Sri Singh ~~never~~ informed the management that ~~his~~ is not staying with his mother's.

However after protected discussion a amicable situation was arrived and both the parties agreed to sign a memorandum of settlement.

TERMS OF SETTLEMENT.

1. Persons who are staying Govt accomodation will not be paid H.R.A.
2. Persons who ~~were~~ were sharing Govt qrt but presently not sharing Govt Qrts will be provided HRA subject to their intimation and proper verification.
3. Sh. Jigir Singh will intimate about his present staying to the management and after verification management will pay HRA from the months he submitted his declaration.

General Secretary
Cantonment Board Employees Union Shillong
Haus No. 85
Sh. Inder Singh
General Secretary
Cantt Board Employees Union Shillong.

Cantonment Executive Officer
Cantt Board
Shillong.

Cantonment Executive Officer
Shillong Cantt Board


President
Cantt Board Employees Union
Shillong.

Signed in my
presence.

Attested
29.11.04
Advocate

(S. K. Mukherjee)

To

The Cantonment Executive Officer
Cantonment Board Office Shillong

Sub:- GRANT OF HOUSE RENT

Sir,

Reference my application dated 28.12.98
regarding grant of house rent allowance.
Sir, I am residing in a rented house which has
already been intimated to your office vide my letter
dated 17.4.2000 and again on 25.4.2000 and I have
submitted the house rent receipts also. I have requested
for allotment of quarter vide my application dated 27.3.2000
and thereafter I have requested verbally many times but
neither I have been allotted any quarter nor paid HRA.

It is therefore requested kindly look into
the subject matter and grant me house rent allowance
since I have not been allotted Board's accommodation.

Yours faithfully

(Jigir Singh)
Safaiwala

Dated, Shillong
the 22nd Jan'2003

22/1/03 *25/1/04*
22/1/03 *25/1/04*
Advocate

To,

The Executive Officer,
Cantonment Board,
Shillong.

Sub:- "Prayer to Pay the House Rent"

Dt. 19.10.2004 Reg.

Respected Sir,

On behalf of the Subject cited above I have the honour to draw your kind attention on the facts and circumstances as mentioned below:-

That Sir, I submitted many applications regarding house rent but still not reply from the Cantonment Board and in spite of this I have also given the receipt upto 1999.

Therefore, it is my earnest request to your honour that my case may kindly be considered and pass necessary order.

For this act of your kindness I shall be highly obliged to you.

Thanking you

yours faithfully

(Shri Jagir Singh
Cantonment Board, Shillong.)

Received the 19/10/04
A. K. Singh
Advocate
25/11/04

Dated, Shillong:
the 19th Oct. 2004.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

IN THE MATTER OF:

O.A.No.315/04

Jigir Singh

...Applicant

-Vs-

Union of India and ors.

...Respondent.

-AND-

IN THE MATTER OF:

Written statement on behalf of
respondents no.1and 2.

(WRITTEN STATEMENT ON BEHALF OF RESPONDENTS NO.1AND 2)

I, Shri Dr. T. Arockia Nathan son of Mr. T. Thomas presently working as the Chief Executive Officer, Cantonment Board, Shillong-793001, do hereby solemnly affirm and state as follows:-

1. That I am the Chief Executive Officer, Cantonment Board, Shillong-1. The copies of the aforesaid application have been served upon the respondents. I have gone through the same and being the Chief Executive Officer of the Board, I have understood the contents thereof. I have been authorized to file this written statement on behalf of the respondents no 1.
2. I do not admit any averments except which are specifically admitted hereinafter and the same are deemed as denied.
3. That the applicant Shri Jigir Singh joined in the service as Safaiwala (Sweeper) on 06.02.89 under the Cantonment Executive Officer (Cantonment Board). He made an application dated 28.12.98 with a request to allow House Rent Allowance from the day of his joining.
4. That, vide office letter no. SHG/5/Jigir dated 24.09.99 the applicant was asked to submit a certificate in the enclosed form that he is not occupying/ sharing a government accommodation or not residing with parents or relatives and to explain why the House Rent Allowance was not claimed since 1989. In reply to the above letter the applicant has stated that since August 1994 to April 1999 he has neither occupied a Government accommodation nor residing with his parents/ relatives. And accordingly he submitted house rent receipt from Rilbong, Shillong. The said receipt does not contain any name, address and house no. of the owner of the house. Thereafter the authority again vide letter dated 19.05.99 under no. SHG/8/Jigir Singh /183 directed the applicant to furnish the name and address of the House Owner where he lived as tenant.

File by: -
P.D
Ref document no. 1
Date 1 Jun 2001
M.C. 2
Solicitor, M.C. 2
Solicitor
Shillong
Cantonment Board, Shillong
Chief Executive Officer
Shillong
1/6103

5. That, on 18.02.2002 the applicant submitted a receipt issued by the President, City Gurudwara, Boro Bazar, Shillong which infact is contradictory to the earlier statement supported by the house rent receipt.

6. Thereafter he again made an application dated 27.03.2000 where he also made false statement by saying that since December 1999 he was residing in the residential house of late Dalbir Singh who expired on 12.09.1999 but infact in the said residential quarter which was allotted to late Dalbir Singh ex- Safaiwala of the said Board was locked with the articles of late Dalbir Singh and under custody of Smt. Deepa, Safaiwala of the Board who was even directed to give the vacant possession of the quarter to the office of the humble answering respondent.

Accordingly the applicant was also asked for explanation for making false statement. An enquiry was made and after verification it was also found that the postal address as submitted by the applicant by showing the holding no.63 is not available and all quarters are occupied by the staff of Municipality and not by the applicant. Accordingly he was communicated the same vide letter dated 22.09.2000 and his claim was not entertained and was communicated vide letter dated 08.06.2001.

7. Reply to the facts of the case:

7.1. That with regard to the statement made in paragraphs 4.1 and 4.2 of the application, the humble answering respondent has nothing to make comment on it. He however does not admit any of the statement which are contrary to the records.

7.2. That with regard to the statements made in paragraphs 4.3 and 4.4 of the application the humble answering respondent begs to state that the respondent begs to state that the House Rent Allowance will be admissible who are entitled to get the benefit.

7.3. That with regard to the statements made in paragraph 4.5 of the application the humble answering respondent begs to state that the applicant made an application dated 28.12.98 with a request to allow him the House Rent Allowance from the day of his joining.

7.4. That with regard to the statements made in paragraphs 4.6 and 4.7 of the application the humble answering respondent begs to state that the vide office letter no. SHG/5/Jigir dated 24.09.99 the applicant was asked to submit a certificate in the enclosed form that he is not occupying/ sharing a government accommodation or not residing with parents or relatives and to explain why the House Rent Allowance was not claimed since 1989. In reply to the above letter the applicant has stated that since August 1994 to April 1999 he has neither occupied a Government accommodation nor residing with his parents/ relatives. And accordingly he submitted a house rent receipt from Rilbong, Shillong. The said receipt does not contain any name, address and house no. of the owner of the house. Thereafter the authority again vide letter dated 19.05.99 under no. SHG/8/Jigir Singh /183 directed

the applicant to furnish the name and address of the House Owner where he lived as tenant.

That, on 18.02.2002 the applicant submitted a receipt issued by the President, City Gurudwara, Boro Bazar, Shillong which infact is contradictory to the earlier statement supported by the house rent receipt.

Copies of the house rent receipt and letter dated 19.05.99 and certificate dated 18.02.2002 are annexed herewith and marked as Annexure 1 series, 2 and 3.

7.5. That with regard to the statement made in paragraphs 4.8 and 4.9 of the application the humble answering respondent begs to state that Thereafter he again made an application dated 27.03.2000 where he also made false statement by saying that since December 1999 he was residing in the residential house of late Dalbir Singh who expired on 12.09.1999. Accordingly vide letter dated 07.04.2000 the applicant was directed to explain as to why disciplinary action shall not be initiated against him for giving false statement. Thereafter vide letter dated 08.08.2000 the applicant submitted a postal address thereafter as enquiry was made and after verification it was found that all the quarters of the Harijan Colony near City Gurudwara, Shillong-2 are occupied by employees of Municipal Board. Further in verification it was also found that there is no holding no.63 as mentioned by the applicant. In reference to that verification your humble answering respondent vide letter dated 22.09.2000 informed the applicant that in pursuance of his letter in reference to the postal addresses it was ascertained by the office that there was no holding no.63 in Boro Bazar, Harijan Colony near City Gurudwara, Shillong and hence no action for granting of House Rent Allowance has been taken.

Further he was asked to verify the matter in the office if he desired. Thereafter, accordingly your humble answering respondent vide letter dated 08.06.2001 informed to the applicant that his claim for House Rent Allowance could not be entertained.

Copies of the letters dated 27.03.2000, 07.04.2000, 08.08.2000, report dated 22.09.2000, letter dated 22.09.2000 and letter dated 08.06.2001 are annexed herewith and marked as annexure 4,5,6,7,8 and 9.

7.6. That with regard to the statements made in paragraphs 4.10 to 4.13 of the application the humble answering respondent begs to state that in reply to the letter dated 08.06.2001 issued by the humble respondent the applicant made a letter dated 18.06.2001 intimating that the matter has been taken up by the Hon'ble Tribunal through Cantonment Board Employees Union and he will act in accordance with the directives of the Tribunal. Thereafter the office of the respondent informed the facts of the case to the assistant Labour Commissioner (C) Guwahati-3 vide letter no.SHG/8/Jigir Singh dated 29.06.01 that as per memorandum of settlement the applicant was to get his accommodation verified by the management. Further stated that inspite of the repeated request Shri Jigir Singh, the applicant has failed to give his proper residence address verified by the management and hence it is difficult on the part of the management to settle the issue. Hence there is no lapse on the part of the respondent authority but for the failure of the applicant for

महान् अधिकारी अधिकारी, शिल्लंग
महान् अधिकारी अधिकारी, शिल्लंग
Chief Executive Officer, Shillong

giving the proper address of residence and as much as for real non-cooperation of the applicant the matter could not be settled out.

Copies of the information letter dated 18.06.2001 and letter dated 29.06.01 are annexed herewith and marked as annexure 10 and 11 respectively.

7.7. That the grounds set forth by the applicant are not the good grounds. The applicant should have come with clean hands so as to get the relief if he really entitled.

(Signature)
गुरु अवियासी अग्रिम, I.T.O.
Chief Executive Officer, Samsung

VERIFICATION.

I, Shri Dr. T. ARCKIANAIAH son of Mr. T. THOMAS presently working as the Chief Executive Officer, Cantonment Board, Shillong-793001, do hereby verify and state that the statements made in paragraphs 7, 1 to 73 are true to my knowledge; those made in paras 74 to 76 are being matters of record of the case decided therefrom which I believe to be true, paras 77 to 81 are true to my knowledge before the trial court. And I have not suppressed any material facts.

And I sign this verification on this 1st June ,07 at Guwahati.

Arckianaiyah

Dr. Arckianaiyah, DPM
Chief Executive Officer, Cantonment Board

Received Rs 2000/- (Rupees Two thousand) only from Shri Jigir Singh being the house rent from Aug '94 to Dec '94, @ Rs 60/- per month.



Ribong Bumrech
Shillong

July 1998
Mentioned
S. M.

CANTONMENT EXECUTIVE OFFICER SHILLONG.
20/4/98

Certified to be true
M. M.
16/07

Document granted under O.O. NO. 98
dt - 11.5.99

-7-

51

34

Received Rs 200/- (Rupees Two thousand) only from Shri Jagir Singh
being the house rent from Aug '95
to Dec '96, @ Rs 60/- per month.



Ritaby Burmicle
Sh. H. Long

certified to be true
M. J. 1/6/02

Received Rs 680/- (Rupees one thousand eight hundred) only from Jagir Singh being the house rent from Jan '95 to Dec '95 @ Rs 40/- per month.



R. K. Biju
Shikshy

Certified to be true
1/6/07

(5)

Received Rs 5400/- (Rupees Five
thousand four hundred) only from
Sohi Jagbir Singh from Jan'96
to Dec'96 @ Rs 450/- per month.



Rikang Burnside
Shillong

Certified to be true
11/6/07

Recd. Rs 500/- (Rupees
 Five thousand four hundred) only
 from Shri Jagir Singh from
 Jan '97 to Dec '97 @ Rs 450/-
 per month.



Ritory Bumde
 Shikong.

Recd to be true
 M/S
 1/6/07

Received Rs 5000/- (Rupees
Five thousand) from hundred) only
from Chh. Jigis Singh from
Jan '98 to Dec '98 @ Rs 450/- per
month.



Rilling Bawali
Shilling

Received Rs 500/-
1/6/07

Recd Rs 180/- Chupris
On tharaw eight hundred only
from Jagir Lough being the
horse sent from Jan 99 to
Dpt 99 @ Rs 45/- per month.



Ritong Burnside
Shillong

Certified to be true
11/6/02

Instrument - gaman.

ANNEXURE -2

- - - - 13 -

83

Telephones
4300/6904 (Mily)
223929 (Civil)

No. SHG/8/ Jigir Singh/183
Office of the Cantonment Board
Post Box No,83, Shillong-793001
Dated the 19 May '99

To

Sh. Jigir Singh,
Safaiwala,
Cantt Board Shillong.

SUB: GRANT OF HRA.

Reference your letter dated 07.5.99

You are hereby required to furnish the house No.
and the names and address of your house owner of your rented
house for necessary action.

J. M. L.
Cantonment Executive Officer
(P. LAL)

alc

BV

Chub

enclosed to
M. J. Singh
11/6/07

To whom it may concern

This is to certify that Sri Jagir Singh
son of Sri Inder Singh was a temporary
resident of this locality. He was staying
in the Gurdwara Residential Gurmat Wels
from July 1991 to March 1999 on rent @ RS 50/-
(Rupees four hundred & 65/- only per month).

Place
9/31/2002
18.2.2002

President
Baba Jeevan Singhji
City Gurdwara,
Bara Bazar, Shillong-2
793002

President
City Gurdwara, Shillong
793002

A.A.

18/2/2002
certified to be true

certified
16/02

23/2/2002
18/2/2002

ANNEXURE - 4

-15-

✓ 100

To

The Executive Officer,
The Shillong Cantonment Board,
Shillong.

Respected Sir,

I have the honour to draw your kind attention on the facts and circumstances mentioned below.

That Sir, at present I have been working at Cantonment Board, Shillong and since December 1999 also residing the residential house of late Dalbir Singh who expired on 12.9.99 while in service.

That Sir, I have applied for quarter but till now I have not receive any quarter.

So Sir, I, therefore, most humbly praying before your honour to allot the existing quarter where I am residing, from the name of Late Dalbir Singh to my name and for that act of kindness I shall be grateful to you for ever.

Thanking you.

Yours faithfully,

Dated Shillong,
The 27th March 2000.

(Jagir Singh).

13/3/2000

certifies to be true
MS
11/6/07

28/3/2000

Telephones4309/ (MILY)
223929 (Civil)No. SHG/8/ Jigir Singh/183
Office of the Cantonment Board
Post Box No. 83, Shillong-793001
Dated the 07/04/2000

To

Sh. Jigir Singh
Safaiwala
Cantt Board Shillong.SUB: EXPLANATION

Ref: Your letter dated 27.3.2000.

It has been noticed that the quarter which was allotted to late Sh. Dalbir Singh V, Ex- safaiwala of this Board is still locked with the articles of late Sh. Dalbir Singh V under the custody of your mother Smt Dipa Safaiwala of this Board, Who has been directed to give the vacant possession of the quarter.

Your attention is also invited to this office letter No. SHG/8/ Jigir Singh/183 dated 19.5.99 vide which you were asked to furnish the House No, name and address of your house owner of your rented house, which has not yet been furnished by you. Further, no application for allotment of quarter has been received by this office from your end.

In view of the above, you are directed to explain within 3(three) days from the date of receipt of this letter as to why disciplinary action should not be initiated against you for giving false statement.

Parshotam Lal
Cantonment Executive Officer
(Parshotam Lal)

Copy to:

1. S.E. for information.
2. S.I.

Evening to be done
1/6/07

The Executive Officer
Containment Board
Shillong.

100

Sub:- Postal address.

Ref: your letter no. SMG/8151GIR/356
dt 27-5-2020.

Sir,

Sir,
With reference to the subject
noted above I have furnished below
my postal address as desired by
you in favor of your kind
information.

Tigie Singh

~~to~~ Barrabazar

Sarjan Colony

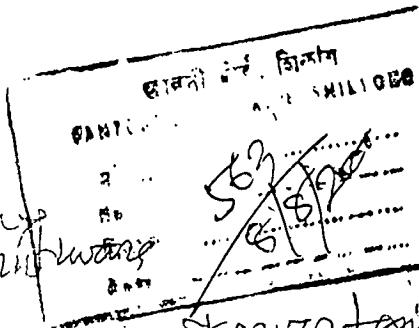
near City limits

Emiliey - 2

House No-63

Sing

~~Anti~~ House No-63
S.S.M.G.
The 71st Aug, 2000



~~Found together fully
(Tigre Stropho
Sataniwa)~~

P.T.O

return to ^{3rd term}
M. J. S.
7/16/07

~~8/21/2020~~

- 18 -

Re: This office letter No. 546/3/SDNS
dt 20.9.2000
As you find, all the quarters are occupied
by the employees of the Shillong Municipal
Board and there is no A/Ho-63 as mentioned
by Sir, Jagir Singh. Lt.

Sd: 22/9/2000

certified
to be true
11/6/02

Telephones:

224300/6904 (Mily)
223929 (Civil)

No. SHG/8/JIGIR/483
Office of the Cantonment Board,
Post Box No.83, Shillong-793001.
Dated the 22 Sept. 2000.

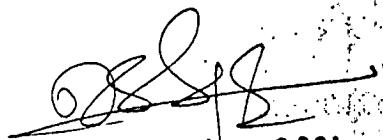
To

Shri Jigir Singh,
Safaiwala,
Cantt. Board Shillong.

Reference your letter dt. 7.8.2000 intimating your postal address in response to this office letter No. SHG/8/JIGIR SINGH/356 dt. 27.7.2000.

It has been ascertained by the office that there exists no house numbering 63 in Barabazar Harijan Colony near City Gurdwara Shillong. Hence, no action can be taken for grant of House Rent Allowance.

However, if you desire, you may get it verified by the Sanitary Inspector of this office.


Cantonment Executive Officer
(Buresh Nagar)

CK
BV
AB

SI's report at page
108 reverse side.

certified to be true
11/6/07

Telephones4300/6904 (Mily)
223929 (Civil)No. SHG/8/ JIGIR/ 475
Office of the Cantonment Board
Post Box No. 83, Shillong-793001
Dated the 08 June 2001

To

Sh. Jigir Singh
Safaiwala
Cantt Board Shillong.

Reference this office letter No. SHG/8/ Jigir/483
dated 22.9.2000.

You are once again reminded to get your accommodation bearing House No. 63 in Barabazar Harijan Colony near City Gurdwara Shillong. Verified by the Sanitary Inspector of this office by 15.6.2001 for taking further necessary action from this end failing which your claim for HRA will not be entertained.

Cantonment Executive Officer
(Suresh Nagar)

Copy to:

1. Sh. S.K. Das, Sanitary Inspector
Cantt Board Shillong - for necessary action.

2. ID file No. SHG/2/ ID/

certified to be true
11/6/07

Sh. Jigir Singh
Safaiwala

-do-
2900-65-7875

1/20200/ -do-

2730/- 2780/-
.. 3225/- 3295/-

- 21 - 119

To
 The Comptroller Executive Officer
 The Shrikrishna Comptroller Board,
 Sreeya

Ref.: your letter no SH/8/175
 dt 8th June 2001.

Sir, In reference your letter cited above I have
 to draw your kind attention on the facts and
 circumstances mentioned below:-

That Sir, Through Comptroller Board
 employee whom I have placed my grievances
 before the Tribunal at which is under proceeding.

That Sir, now the entire matter
 will be decided by the tribunal and
will all in accordance with the direction
of the tribunal

Yours
 affint
 18/6/2007.

So Sir, I am therefore requesting
 you to communicate the
 matter to the tribunal where
 the case is going on and I
 hope it will be good to send
 the said letter to the tribunal
 in connection with my
 accommodation affair.

Thank you.

Yours faithfully

(Smt. Jagir Singh)

~~Recd~~
 11/6/07

SHRIKRISHNA
 COMPTROLLER BOARD
 11/6/07

certified to be true
 11/6/07

Telephones

4300/6904 (Mily)
223929 (Civil)

No. SHG/8/ JIGIR SINGH/
Office of the Cantonment Board
Post Box No, 83, Shillong-793001
Dated the 29 June 2001

To

The Assatt Labour Commissioner (C)
Guwahati-3

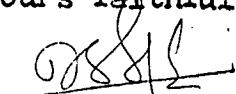
Sir,

Reference Memorandum of Settlement dt 7.7.2000 and letter of Sh. Jigir Singh dt 18.6.2001 (copy enclosed).

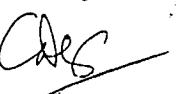
As per Memorandum of Settlement Sh. Jigir Singh was to get his accomodation verified by the management and on verification of his residence he was to be paid HRA.

Inspite of repeated requests Sh. Jigir Singh has failed to get his residence verified by the management. In these circumstances, it is difficult on the part of the management to settle the issue.

Yours faithfully,


Cantonment Executive Officer
(Suresh Nagar)

JK
BR



Certified to be true
M. J.
11/6/07

25 JUL 2007

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
GUWAHATI.

O.A.No. 315/2004.

Sri Jigir Singh Applicant.

-Vrs-

Union of India & Ors..... Respondents.

IN THE MATTER OF :

OBJECTION PETITION BY THE APPLICANT
AGAINST THE WRITTEN STATEMENT FILED
BY THE RESPONDENTS.

The Applicant above named most respectfully sheweth:

1. That the Applicant has gone through the contents of the Written statement filed by the Respondents and beg to state as under :

1.1 That albeit the Applicant is illiterate and most candidly submitted the details in the Written Statement in respect of the above O.A nevertheless a susceptible reply raising objection to the above Written Statement is submitted herewith.

1.2 That with regard to the statements made under paras 1 and 2 of the Written Statement by the Respondents, the Applicant do not offer any comments save and except that the averments which are not borne on the records are emphatically denied.

1.3 That with regard to the statement made under para 3 of the Written Statement in the O.A. it is stated that the contents of the para are admitted so much so that even though the Applicant comes within the ambiance of "essentially intermittent employee" and as per conditions of his service it is the bounden duty of the employers, the Respondents, to provide him with a suitable government accommodation near his Office, the Respondents did neither provide a government accommodation for him nor granted the existing house rent allowance admissible to all Central Government employees. Being a fully illiterate person it was not known to him that in absence of the government accommodation house rent allowances are also paid to the employees by their

Contd....P/2.employers..

50
Date 25/7/07
File No. 251707
A direct
copy

Jigir Singh

employers as per prevailing system and Rules. The moment he came to know this fact, then and there he claimed for his house rent allowance from the date of his joining under the Respondents till the house rent allowance is paid to him and the government accommodation as admissible be allotted to him in lieu thereof. The Applicant by claiming for his house rent allowance as pointed out by the Respondents it may not be an offence or any error rather the Respondents who were sufficiently literate and conversant with the Rules, Procedures and System of the government employment were to either accommodate the Applicant with the government accommodation as per his entitlement and/or paid him the necessary admissible house rent allowance in lieu of the quarters. The Respondents had not done so for all these long span of almost 18 years of his service which clearly proved to be of a malafide and arbitrary action and unfair play of the Respondents.

1.4. That with regard to the statement made under para-4 of the Written Statement under O.A by the Respondents the Applicant respectfully submit that he had submitted the necessary certificates, as desired by the Respondents in support of his remaining in rented accommodation in claiming the house rent allowance, the photo copy of which has already been annexed to the instant O.A. vide ANNEXURE-C & C/1 It is really surprising that it is not understood as to from what source the receipts of house rent have produced as ANNEXURES 1 series from Serial No.1 to 6, as they were never produced by the Applicant. These are all manufactured, fake, false, fabricated by the Respondents to evade their own lapses in the matter and thereby causing wrong and injustice to the Applicant. The address and the location as pointed out under this para and also submission made under para7.5, it is stated that the house No. and location to identify were sufficiently incorporated in the receipt produced by the Applicant through Annexures 47 to 50 to satiate the Respondents' enquiries & demand towards sanctioning the house rent allowance to him, but instead ^{of} taking the susceptible view in connection as per prevailing system and rules the Respondents every time ^{this} ^{caused} delay-dallying the matter and raising inconvenience to the Applicant and his family members. It is reiterated that from 28th December/98 the Applicant has been persistently praying for granting house rent allowance or to allot the quarter in his favour but it is really surprising and pain-striking matter to note that the Respondent had been observing mute silence in the matter. The Applicant's

submission will be evidentially proved from the Annexure; he enclosed in connection with this O.A. as a proof of his claiming the house rent allowance and receipts for providing accommodations on rented basis.

1.5 That with regard to the statement made under para 5, it is stated that the Respondent had not clearly mentioned as to what contradiction of statement was made by the Applicant. Simply fire against the air is not sufficient to constitute one's evidential proof against the allegations. The Respondents are challenged to give the correct and strictest proof to their averments made in this para.

1.6 That with regard to the statement made under para 6 the residential house of Late Dolbir Singh as stated and alleged, had never been occupied by Smti Dipa Kaur, Safaiwala the mother of the Applicant and therefore, the question of residing in a "locked house" as the Respondents themselves have made averments in this para does not arise at all.

1.7 In this connection, it is pertinent to mention that the Applicant had claimed to allot the accommodation of his mother who retired from service on 30.6.04 but the Respondents have neither allotted the residential quarter in his favour nor even released the retiring dues to his mother even after submitting the quarter in vacant position and filing of necessary documents by herself and her husband Late Indar Singh and for the cause of such injustice and arbitrary action Smti. Dipa Kaur filed a case before this Hon'ble Tribunal for adjudication and justice vide O.A. No. 73 of 2005 and the Hon'ble Tribunal was pleased to give its Division bench Judgment/Order dated 28.3.2005 to release the retirement dues to the Applicant. But the Respondents even after getting the orders of this Hon'ble Tribunal withheld her retirement dues filed the Writ Petition in the Hon'ble High Court, Guwahati and obtained the stay order in the year 2005 which is being still continued.

So far the question of giving Holding No.63 of the House by the Applicant it is stated that the Applicant had been residing there till 1999 and after that the said premises was allotted to the Guru Nanak Sports Club/Gymnasium w.e.f 1.6.1999. The Safaiwala Inspector, as alleged by the Respondents, did neither accompany the Applicant nor asked his companionship and as matter of ordinary prudence the entity of the said Holding No.63 could not be found for the Applicant's residence when the Inspector visited after 2000 there. Had Safaiwala

Inspector or the Respondent had sufficiently eager to verify the matter this could have been easily verified from the records of the Gurdwara Committee instead the Respondents had not entertained the claim of the Applicant as they had themselves stated in this paragraph.

Photo copies of above CAT's order for releasing his mother's retiring dues & stay order of the mentioned above and prayer for allotment of his mother's quarter and certificate given by the City President of the Gurdwara Committee are enclosed as ANNEXURES-1,2,3,4 & 5.

1.8 That with regard to the statement made under paras-7.1,7.2,7.3,7.4, it is stated that despite knowing the Rules and System the Respondents had been waiting only to get the formal application from the Applicant till 28.12.98 though by this time more than a decade time was elapsed but even on being an "essentially intermittent employee" the Respondents did not fulfill their cardinal and bounden duty to be succumbed to the corollary of the rules of his service condition either to give him a suitable government accommodation or to grant him house rent allowances and/or asked him for submission of his formal application or the receipts for the rental for living in rented accommodations. That in this connection the submissions made by the Applicant in the foregoing paras 1.3 to 1.7 is reiterated. The Respondents could not explain by the word "contradictory" what they meant. Even if it was the contradictory system why the Respondents had accepted the receipts and why they did not ask for the clarifications or explanation from the Applicant at the time of submission of those receipts. After lapse of so many years and harassing the Applicant by not giving him the house accommodation or house rent allowance now they are alleging the receipts produced by the Applicant were of contradictory to the earlier statement for house rent receipts. Moreover, it is further stated that the receipts under 1 series enclosed in the Annexure by the Respondents, it is stated that the Applicant had never submitted them to the Respondents. These are all manufactured to cover the delay and injustice causing by the Respondents to the Applicant for all these years.

1.9 That in addition to the submission in respect of the statement made by the Applicant under para 7.5 of the Respondent's statement in the O.A. it is further submitted that even after submitting the declaration by the Applicant for residing in the residential house, as alleged, by the Applicant in March/2000, the

Contd.....P/5..Respondents..

Tiger Singh

Respondents took long 1 1/2 years time to inform the Applicant that the house rent allowance claimed by the Applicant could not be entertained by them. How silly the averment is ! Had the information and the response for rented house submitted by the Applicant given on time by the Respondents, the matter could have been detected, immediately on their submission by the Applicant.

1.10 That with regard to the statement made under para 7.6 it is not understood as to what more proof of residing in rented house the Respondents wanted from the Applicant for settlement of the issue which should have been settled much earlier by allotting him a government house/quarter as admissible for him or granted him the house rent allowance and/or asked him to submit necessary information and papers, as required from the Applicant immediately after his date of appointment. For allotting him a government accommodation or granting necessary house rent allowance and for which more than a decades' times they had to remain silent being fully literate and conversant of the matter and over and above knowing the status of the employee's position. In the welfare State it is the predominant duty of the employer to seek and enquire about the well-being and promote the welfare of the employee and his family members from the date of joining in government service but here in the case of the Applicant the Respondent had to wait for long 10 years to receive a formal representation from the Applicant when he had neither been given the government accommodation nor granted necessary house rent allowance and also take another 2/3 years to verify the receipts he had submitted to the Respondents as a proof of residing in rented house/accommodation. This is, in fact, a mockery and ridiculous for this illiterate and of the lowest echelon of government service and even after raising the problems by the Applicant to the authorities of the Respondents for countless times the Applicant got only rebukes and retards.

1.11. That in this connection it is pertinent to mention that even that the Applicant approached this Hon'ble Tribunal by filing the instant O.A and/or filed a Writ Appeal in the Hon'ble Gauhati High Court for granting the house rent allowance to him right from the date of his joining in the Respondent's establishment instead of the date which the Hon'ble Tribunal awarded vide his judgment dated 14.12.04 , the Respondents did not care even to submit the Written replies before the Hon'ble Courts of law despite the service copies were

Contd....P/6..received...

received by the Central Government's Standing Counsels and necessary steps by the Hon'ble Courts of law for reply. Rather it was the Respondents who were contemplating that in the event of their being in a part of the defence establishment they are not guided by the orders and rules of the Civil Courts of law. The veracity of the statement of the Applicant will be clearly proved from the Court's records.

1.12. That in reiterating the earlier submissions in the Original Application by the Applicant it is respectfully submitted that the Respondents had caused malafide and arbitrary action and unfair play, injustice to this humble Applicant. In stead of dealing the matter entirely with lenient view and sympathy, the Respondents put the Applicant in countless troubles in these days of severe economic hardships by not only depriving him of the House Rent Allowance but also dragging him from this court to that and thereby inviting unwanted litigation expanses which is a heavy burden for this poor employee to entail and bear.

1.13 That it is further respectfully submitted by this Applicant that because of the wanton attitude and blatant discrimination of the Respondents they have totally denied the principle of Natural Justice and caused the violation of the Constitutional safeguards provided to such citizen as enumerated under Articles 14,16(1), 21,39(d) and 309 of the Constitution of India.

1.14 That the grounds as mentioned in the Original Application are sufficient to invite the justice prayed for by this humble Applicant in the instant O.A.

1.15 That it is further prayed that the Applicant may be relieved from the Respondents by getting his house rent allowance till the government residential quarter is allotted to the Applicant.

1.16 That in view of the facts and circumstances the Applicant humbly prays before this Hon'ble Tribunal that your Lordship be gracious enough to consider the case sympathetically and redress his long standing grievances as prayed for and for this act of your kindness this humble Applicant shall remain ever grateful.

Final draft

VERIFICATION

I, Sri Jigir Singh, son of Late Inder Singh.....aged about 39.....years ,working in the capacity of Safaiwala..... do hereby solemnly affirm and verify that the contents of paragraphs 1 to 1.12 are derived from the records and I believe them to be true to my knowledge & information and that I have not suppressed any material facts and the paragraphs to 1.16^{1.13} are my humble and respectful submission before this Hon'ble Tribunal.

And I sign this VERIFICATION on this 25 day of July, 2007.

Place: Guwahati.

Date: 25-07-07



SIGNATURE OF THE DEPONENT.

8
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 73 of 2005.

Date of Order: This, the 28th day of March, 2005

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

Smti Dipa Kaur
Wife of Late Indar Singh
Cantonment Colony
Shillong. Applicant.

By Advocate Mr.K.K.Biswas.

- Versus -

1. Union of India
Representing per the Ministry of Defence
The Chief Executive Officer, Cantonment Board
Shillong, Post Box No.83
Shillong - 793 001.

The Cantonment Executive Officer
Cantonment Board
Shillong, Post Box No.83
Shillong - 793 001.

.... Respondents.

By Mr.A.K.Chaudhuri, Addl.C.G.S.C.

ORDER (ORAL)

SIVARAJAN, J (V.C.) :

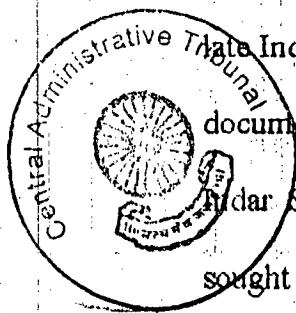
The applicant is the widow of late Indar Singh, who is the father of the deceased employee Dolbir Singh-V. Dolbir Singh-V, the employee died on 12.9.1999 at the age of 24 years leaving his parents. Initially late Indar Singh, the father of late Dolbir Singh preferred claim for settling the financial benefits due to deceased employee. According to the applicant, the father of late Dolbir Singh has produced all the required documents to enable the respondents to disburse the said claim. However, the respondents did not disburse the said

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claim and Indar Singh died in 2001. Thereafter the applicant in this O.A. has pursued the said claim. It is seen from the communication dated 12.11.2003 (Annexure-A) issued by the Cantonment Executive Officer that late Dolbir Singh-V owed a sum of Rs.16,361/- to the Cantt. Fund and therefore the said authority directed the General Secretary, Shillong Cantonment Board Employees Union, Shillong to arrange to deposit the said amount to the Cantt. Fund and also for submission of succession certificate from the competent authority for taking further necessary action in the matter. The applicant has produced a communication dated 8.3.2004 (Annexure-H) purporting to be in reply to Annexure-A communication sent by the Union wherein it is stated that late Indar Singh, father of the deceased employee had furnished all the required documents and that the applicant had preferred the claim only after the death of Indar Singh. It is also stated that the amount demanded in Annexure-A and sought to be recovered is very huge.

2. I have heard Mr. K. K. Biswas, learned counsel for the applicant and Mr. A. K. Chaudhuri, learned Addl. C.G.S.C. appearing for the respondents. It would appear from the correspondence already mentioned that the only reason for non-disbursement of the financial benefits due in respect of late Dolbir Singh-V are that a sum of Rs.16,361/- is due to the Cantt. Fund towards occupation of the cottage allotted to the deceased by the applicant after his death and the non-production of succession certificate issued by the competent authority. According to the learned counsel for the applicant the communication dated 8.3.2004 (Annexure-H) is a complete answer to the above. In the circumstances, I am of the view that this original application can be disposed of by directing the 2nd respondent to consider Annexure-H communication dated 8.4.2004 and pass appropriate orders in the matter as expeditiously as possible at

[Signature]



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any rate within a period of six weeks from the date of receipt of this order. If any succession certificate is absolutely required to enable the applicant to establish that she is the sole heir of deceased Dolbir Singh-V and the same has not already been produced by her deceased husband Indar Singh she must be given opportunity to do so before disposing of the application.

4. The application is disposed of as above.

SD/VICE CHAIRMAN



TRUE COPY
প্রতিপাদি

14/15

Section Officer (J)
C.A.T. GUWAHATI BRANCH
Guwahati-781005

14/205

the requisite number of stamps and folios.	Date of delivery of the requisite stamp and folios.	Date on which the copy was ready for delivery.	Date of mailing of the copy to the applicant.
6-9-05	26-9-05	26-9-05	26-9-05

IN THE GAUHATI HIGH COURT
 (THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,
 MANIPUR AND TRIPURA)
 SHILLONG BENCH
 CIVIL APPELLATE SIDE

Appeal from W.P. (C)

No. 245805 of 20

Civil Rule

The Comptroller Board, Shillong, 600

Appellant
Petitioner

Versus

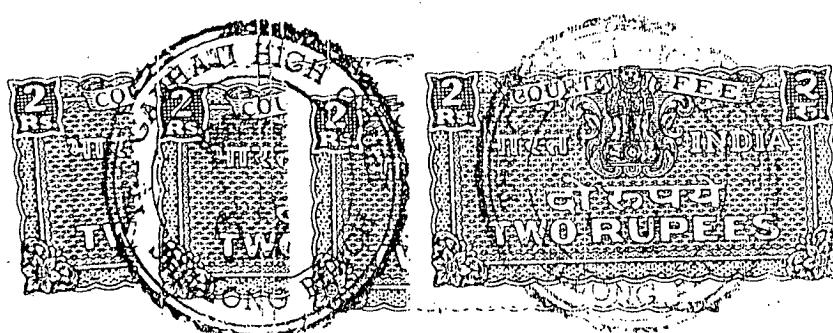
Govt. Depts. Kailas

Respondent
Opposite-Party

For Appellant M. S. C. Shyam
 Petitioner Asstt. C. G. S. C.

For Respondent
 Opposite-Party

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4

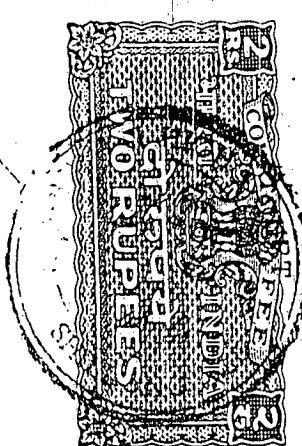


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IN THE MATTER OF :-

1. The cantonment Board ,
Represented by the Chief
Executive Officer,
Cantonment Board, Shillong.

2. The Cantonment
Executive Officer,
Cantonment Board, Shillong-
793001.



.....Petitioners

- Versus -

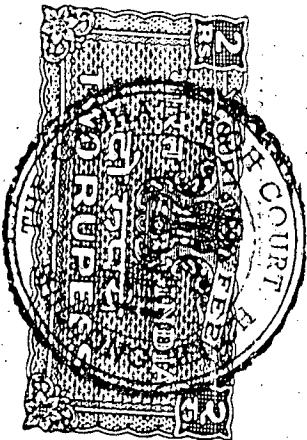
1. Smti Dipa Kaur, widow of
late Indar Singh,
Cantonment Coloney,
Shillong.
2. The Central Administrative
Tribunal, Guwahati
Bench, Guwahati.

.....Respondents.

Noting by Office or Advocate

Date

Office notes, reports, orders or proceedings
with signatures



WP(C) 275 (SH)/05

BEFORE

THE HON'BLE MR. JUSTICE B. LAMARE

THE HON'BLE MR. JUSTICE AMITAVA ROY

19/9/2005

Heard Mr. SC Shyam, learned
Counsel for the appellant.

Admit the petition.

Call for the records.

Issue rule returnable within a
month.

The petitioner would take steps
for service of notice on the respondents by
registered post with A/d. Steps within three
days.

In the interim, it is provided that
the operation of the impugned order dated
28/3/2005 passed by the learned Central
Administrative Tribunal, Guwahati Bench, in
OA No. 73/2005 shall remain stayed.

Sd/- A. Roy

Sd/- B. Lamare

Judge

Judge

Certified To Be True Copy

Superintendent (Judicial)
Gauhati High Court
Shillong Bench.

14

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TRUE COPY

To,

The Cantonment Executive Officer,
Cantonment Board, Shillong.

Sub : " Transfer of Govt. Quarters is Requested".

Respected Sir,

Reg.

On behalf of the subject cited above I have the honour to draw your kind and Sympathetic Consideration on the facts and Circumstances as mentioned below :-

That Sir, my mother Smti Dipa Kaur the Sanitary Jamadar have retired from her service tenure on 30.06.2004. and the Govt. quarter of Smti Dipa Kuar may kindly be transferred into my name as I still have not get Govt. quarters.

Therefore, it is my earnest request to your honour that my above said appeal may kindly be considered and allot me the said Govt. Quarters.

For this act of your kindness I shall be highly oblige to you.

Yours faithfully.

Sd/-

Dated : Shillong

The 16th of July 2004

(Sri Jagir Singh)

Cantt. Board, Shillong.

This is to certify that this copy of the
enveloped attested copy of the
file Annexure - 3 at
Page - 15
is the copy of the
Advocate
23/7/07

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The Cantonment Executive Officer,
Cantonment Board, Shillong.
Sub:- "Transfer of Govt. Quarters
is requested".

Respected Sir,

Rej.

On behalf of the subject cited
above I have the honour to draw your kind
and sympathetic consideration on the facts and
circumstances mentioned below:-

That Sir, my mother Smti Dipak Kaur
Sanitary Janadar have relieved from her
service tenure, ^{on 30.6.2004} and the Govt. Quarters of Smti Dipa
Kaur may kindly be transferred into my
name as I still have not got Govt. Quarters.

Therefore, it is my earnest request
to your honour that my above said appeal
may kindly be considered and allot me
the said Govt. Quarters.

For this act of your kindness I shall
be highly obliged to you.

Yours faithfully
J. D. S.

16/7/04

(Sri Jagir Singh).
Cantt. Board, Shillong.

Dated, Shillong.
the 16th of July, 2004.

Bhoma
16/7/04

Attest,
Bhoma,
23/7/04
Advocate

TRUE COPY

To,

The Cantonment Executive Officer,
Cantonment Board, Shillong.

Sub : "Transfer of Govt. Quarters is Requested".

Respected Sir,

Reg.

On behalf of the subject cited above I have the honour to draw your kind and sympathetic consideration on the facts and circumstances as mentioned below :-

That Sir, I Smti Dipa Kaur the Sanitary Jamadar have retired on 30.06.2004. My husband Late Inder Singh have also retired as Sanitary Jamadar had been living in the same quarter. And I have already vacated the quarter.

Therefore, it is my earnest request to your honour that the said quarter may kindly the transferred into the name of my son Shri Jagir Singh

For this act of your kindness I being a widow woman shall ever pray.

Yours faithfully,

Sd/-

Dated : Shillong

The 15th of July 2004

(Smti Dipa Kaur)

(Sanitary Jamadar)

This is to certify that
copy of the above
document is enclosed
for Jagir Singh
Advocate
23/7/07

To

The Cantonment Executive Officer,
Cantonment Board, Shillong.

Sub:- "Transfer of Govt. Quater is requested"

Rg.

Respected Sir,

On behalf of the subject cited above
I have the honour to draw your kind and
sympathetic consideration on the facts and circum-
stances as mentioned below:-

That Sir, I am Dipa Kaur the Sanitary
Jemadar have married on 30-6-2004. My
husband Lal Singh have also married
as Sanitary Jemadar had been living in the
same Quater. & And I have already vacated
the Quater.

Therefore, it is my earnest request
to your honour that the said Quater may
kindly be transferred in to the name of my
son Shri Jagir Singh.

For this act of your kindness I being
a widow woman shall ever pray.

Dated, Shillong 2004
on 15th of July 2004

Yours faithfully.

Parry

(Smti Dipa Kaur)
(Sanitary Jemadar)

Bharm
16/7/04

Attd
R. K. Nelson
23/7/07
Advocate

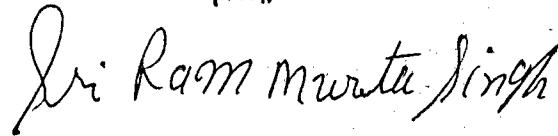
CERTIFICATE

This is to certify that, the City Gurdwara Committee, was allotted a quarter No. 63 to Shri Jagir Singh son of late Inder Singh on rent @ Rs. 450/- (Rupees four hundred and fifty) only, till March 1999 and latter the said premises was allotted to the Guru Nanak Sports Club /Gymnasium w.e.f 1st June, 1999.



PRESIDENT

President,
City Gurudwara Committee
Para Bazar, Shillong-2
(Meghalaya)



Sri Ram Murte Singh

Given on
20th June
23/7/07
Advocate