

2

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 228/2007

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SECTION OFFICER (Judl.)

Salta
09/10/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 228/07
2. Miscellaneous Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Sudhi Ram Nitea -VS- Union of India & Ors

Advocate for the Applicants:- A.C. Saama, S. S. Chikie, P. Medhi
V. Saama, S. Talukder

Advocate for the Respondants:- Pl. advocate

Notes of the Registry	Date	Order of the Tribunal
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This application is in form
is filed/C. F. for Rs. 50/30.8.07.
deposited vide IPC/BD
No. 226/04/04
Dated 28.8.07

Judgment delivered in open Court. Kept in
separate sheets. Application is disposed of. No
costs.

Reg. Registrar
 lm

Vice-Chairman

Retit from this for
issue notices are not
received with envelope.

22/10/07.

CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH.

(O.A. No 228 of 2007)

DATE OF DECISION 30.8.2007.

Mr.Sudhir Ram Hira

APPLICANT/S

**Mr.A.C.Sarma , Mr.S.Saikia,
Mr.P.Medhi.Mr.U.Sarma,
Mr.S.Talukdar**

ADVOCATEFOR THE

APPLICANT(S)

- VERSUS-

Union of India & Ors.

RESPONDENT(S)

Dr.J.L.Sarkar,Railway Counsel.

**ADVOCATE FOR THE
RESPONDENT(S)**

CORAM

HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN

1. Whether Reporters of local papers may be allowed to see the judgments?
2. To be referred to the Reporter or not?
3. Whether to be forwarded for including in the Digest Being compiled at Jodhpur Bench & other Benches?
4. Whether their Lordships wish to see the fair copy of the Judgment?

Judgment delivered by Hon'ble Vice-Chairman

31/8/07

A

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original application .No.228 of 2007.

Date of Order: This the 30th Day of August, 2007.

HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN

**Sri Sudhram Hira,
S/O Late Ratiram Hira,
Resident of Quarter No.125/L Type-II
At New Guwahati Colony.**

Applicant.

**By Advocate Mr. A.C.Sarma Mr.S.Saikia,
Mr.P.Medhi,
Mr.U.Sarma, Mr.S.Talukdar**

- Versus-

- 1. The Union of India,
Represented by the Secretary,
Railway Board, Ministry of Railway,
New Delhi-110001.**
- 2. The General Manager
N.F.Railway, Maligaon
Guwahati-11, Dist.Kamrup, Assam**
- 3. The Chief Area Manager (CAM),
N.F.Railway, Maligaon,
Guwahati-11.Dist.Kamrup, Assam**
- 4. The Divisional Personal Officer
(DPO), N.F.Railway, Maligaon.
Guwahati-11, Dist..Kamrup, Assam**
- 5. The senior Coaching Depot Officer
N.F.Railway, Maligaon
Guwahati-11, Dist.Kamrup, Assam**


Respondents.

By Advocate Dr.J.L.Sarkar, Railway Standing Counsel.

ORDER (ORAL)

K.V.SACHIDANANDAN, V.C:

**The applicant is working as a Sr. Technician in the N.F.Railway,
New Guwahati, and residing at Quarter No.125/L Type -II with his
family. Since allotment of the quarters. The Respondent No, 5 vide his
order dated 2.9.05 cancelled the order of allotment of the applicant's**



quarter alleging that a survey Committee appointed by the administration found that the applicant had sub-let his quarters to some third party. He also submitted that he was not aware of any survey of his quarter and he prayed for review of the cancellation order. The Respondents authority did not pass any order disposing applicant representation but passed an order on 9.5.07 (Annexure III) imposing damage rent to the tune of Rs. 1,71,015/- on the applicant without issuing any prior notice to the applicant nor giving any opportunity of hearing to the applicant. The applicant has drawn salary after recovery of the alleged damage rent in the months of July, August Rs.437/- per month. Aggrieved by the certain action the applicant has filed this O.A.

I have heard Mr .A. C. Sarma learned counsel for the applicant and Dr.J.L.Sarkar learned counsel for the Railway. When the matter came up for hearing the learned counsel for the applicant has submitted that no notice was issued to him nor any opportunity was given to him to explain his case. His representation was not attended to. His appeal is also pending. He also submitted that he will be satisfied if direction is given to the 3rd respondents to dispose of the appeal within a time frame. Dr.J.L.Sarkar learned Railway standing counsel submitted that he has no objection in adopting such a proposal.

Accordingly, We direct the respondent No.3 or any other competent authority to consider the appeal of the applicant and pass a reasoned order on merit within a period of three weeks from the date of receipt of this order after giving opportunity to the applicant to explain his case in person and communicate the same to the applicant to explain his case in person and communicate the same to the



applicant forthwith. In the interest of Justice this Court further directs that impugned order for recovery will be kept in abeyance till disposal of his appeal.

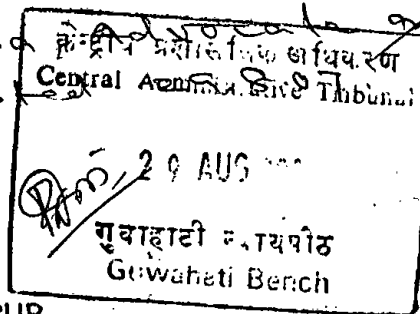
O.A. is disposed of. At the admission stage itself. However, there shall be no order as to costs.



(K.V.SACHIDANANDAN)
VICE-CHAIRMAN

LM

OA (in 2 sets) is filed today by Shri
A.C. Sarma
To be posted



11/08/07
28/8/07

DISTRICT: KAMRUP

THE CENTRAL ADMINISTRATIVE TRIBUNAL - GUWAHATI BENCH

AT GUWAHATI

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

O.A. NO. 228 /2007

Sri Sudhi Ram Hira

..Applicant

-Versus-

The Union of India & Ors.

.....Respondents

SYNOPSIS

The applicant is at present working as a Sr. Technician in Office of the Senior Section Engineer, Carriage and Wagon (C&W) B.G. N.F. Railway, New Guwahati and residing at Quarter No. 125/L Type-II at New Guwahati Colony, Guwahati with his family since allotment of the quarters. The respondent No.5 vide his order dated 2.9.05 cancelled the order of allotment of the applicant's quarter alleging that a survey committee appointed by the administration found that the applicant had sub-letted his quarters to some third party. The applicant submitted representation before the authority on 14.9.05 denying the allegation of sub letting the quarter and he asserted that the himself is residing in the quarter with his family. He also stated that he was not aware of any survey of his quarter and he prayed for

review of the cancellation order. That respondent authority did not pass any order disposing applicant representation but passed an order on 9.5.07 imposing damage rent to the tune of Rs.1,71,015/- on the applicant without issuing any prior notice to the applicant nor giving any opportunity of hearing to the applicant. The applicant has drawn salary after recovery of the alleged damage rent in the month of July/ August Rs.437/- per month. If in this way the alleged damage rent is recovered it will be difficult for the applicant to maintain the livelihood of his family. Hence this application before this Hon'ble Tribunal.

Filed by:

Somit Sawla

Advocate, Guwahati

DISTRICT: KAMRUP

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

AT GUWAHATI

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

O.A. NO. 228 /2007

Sri Sudhi Ram Hira

..Applicant

-Versus-

The Union of India & Ors.

.....Respondents

I N D E X

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8.	VI	A copy of the order by the respondent revoking cancellation order of Quarter No. 125/L Type-II.	21

Filed by:

Smt Sairam
Advocate

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
AT GUWAHATI.

O. A. NO. 228 /2007

BETWEEN

Sri Sudhiram Hira,
S/o Late Ratiram Hira,
Resident of Quarter No.125/L Type-II
at New Guwahati Colony.

..APPLICANT

-AND-

1. The Union of India,
represented by the Secretary
Railway Board, Ministry of
Railway, New Delhi-110001.
2. The General Manager,
N.F. Railway Maligaon,
Guwahati-11, Dist. Kamrup, Assam.
3. The Chief Area Manager (CAM),
N.F. Railway, Maligaon,
Guwahati-11, Dist. Kamrup, Assam.
4. The Divisional Personal Officer
(DPO) N.F. Railway Maligaon,
Guwahati-11, Dist. Kamrup, Assam.
5. The Senior Coaching Depot Officer
N.F. Railway Maligaon,
Guwahati-11, Dist. Kamrup, Assam.

..RESPONDENTS

Contd..P/-

Filed by the petitioner
Sudhiram Hira
through Solicitor
General

11
Sudhansu Singh

DETAILS OF APPLICATION

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

This instant application is made challenging the following orders:

i) Order issued vide Memo No. GHY/CDO/GEN/Qrs/C&W dated 2.9.05 by the Senior Coaching Depot Officer, N.F. Railway, Guwahati (Respondent No.5) cancelling the allotment order of Qrs. No.125/L Type -II at N.G.C. in the name of the applicant.

ii) The office Memo No. E/APO/1/Survey of Qrs/GHY dtd. 9.5.07 issued by the Divisional Personal Officer, N.F. Railway, Guwahati (respondent No.4) imposing damage rent of Rs.1,71,015/- on the applicant.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

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

Contd..P/-

4. FACTS OF THE CASE:

4.i That the applicant is a citizen of India and as such he is entitled to the rights, privileges guaranteed under the Constitution of India.

4.ii That the applicant is at present working as a senior technician in the office of the Senior Section Engineer C & W New Guwahati and he is residing in Railway Quarter No. 125/L Type-II at NGC since its allotment and handing over of possession to the applicant.

4.iii That while the applicant was rendering his services to the respondent authority with all sincerity and devotion to duty the respondent No.5 without any prior notice cancelled the allotment order of the applicant's quarter No. 125/L Type-II vide his letter No. GHY/CDO/GEN/Qrs/C&W dated 2.9.05.

A copy of the above letter is annexed herewith as Annexure - 1.

4.iv That in the aforesaid cancellation order it has been alleged that during survey by the survey committee it has been found that the applicant instead of residing himself in the quarters he has sublet the quarters to a private party violating the provision of Rule 3.1 (III) and I.S.A of Railway Service (Conduct)

Contd..P/-

Sundhi ram Sharma

Rules 1966 and the applicant was also advised to vacate the quarters and to hand over the same to the new allottee immediately whose allotment order was to be followed.

4.v That the applicant submitted a representation on 14.9.05 before the respondent No.5 praying for reviewing the cancellation of allotment order of his quarter denying the allegation brought against him. The applicant in his representation stated clearly that he has not sub-let his quarter to any private party but he himself is residing in the quarters. He also stated in his representation that the cancellation order being passed ex-parte without allowing any opportunity of hearing to the applicant it is violative of the principle of natural justice, violative of Article 14 and 21 of the Constitution of India and it is arbitrary and void ab initio.

A copy of the above representation is annexed herewith as Annexure - II.

4.vi That the applicant was under bonafide expectation that the respondent authority will dispose of the representation submitted by the applicant with intimation to him, but, the applicant could know nothing about the faith of his representation, but, he was peacefully residing in his quarters without any interference from any corners. Moreover no any new allottee also came to

Contd..P/-

13/10/05
Sd/-
[Signature]

take over the quarters and in this circumstances the applicant was under bonafide presumption that the respondent authority was satisfied with the contention made in the representation submitted by the applicant and dropped the matter in controversy.

4.vii That the applicant to his utter surprise after more than one and half years have suddenly received the memo No. E/APO/1/Survey of Qrs/GHY dated 9.5.07 issued by the respondent No.4 alleging the applicant to be in unauthorised occupation of the quarters and a huge amount of damage rent to the tune of Rs.1,71,015/- has been imposed on the applicant which is to be recovered from the monthly salary bill of the applicant.

A copy of the above memo along with the statement of damage rent is annexed herewith as Annexure - III.

4.viii That the applicant approached and requested the respondent authority not to recover the damage rent as proposed from his salary. But, the respondent authority has already started recovery of the damage rent from his salary. As a result of which after all deduction the applicant could draw only an amount of Rs.437/- only or less pay for the month of July/August, 2007.

Contd..P/-

A copy of the pay slip is annexed herewith as
Annexure - IV.

4.ix That the respondent authority brought similar allegations against some similarly situated employees of the Railway Department. But on their application before this Hon'ble Tribunal, this Hon'ble Tribunal was pleased to direct the respondent authority to dispose the representation submitted by the applicant filed according to law. And the Hon'ble Tribunal was also pleased to stay the recovery of the damage rent till such disposal.

A copy of the such order is annexed herewith as Annexure - V.

4.x That the applicant has come to know that in pursuance of the direction as stated above vide by this Hon'ble Tribunal issued to the respondent authority has already revoked the cancellation order of allotment of quarters in respect of the concerned employees after giving personal hearing to them.

A copy of such order is annexed herewith as Annexure - VI.

4.xi That the applicant respectfully submits that he being a similarly situated employee is also entitled

Suchi ram Singh

to similar protection against the impugned order passed by the respondent authority.

5. GROUND'S FOR RELIEF WITH LEGAL PROVISIONS

5.i For that the office order No. GHY/CDO/GEN/Qrs/C&W dated 2.9.05 issued by the respondent No.4 and the order issued vide memo No. E/APO/1/Survey of Qrs/GHY dated 9.5.07 issued by the respondent No.4 are violative of the Rules of natural justice and as such both the impugned orders are bad and liable to be quashed.

5.ii For that the respondent authority committed wrong in passing the impugned order without issuing any prior notice to the applicant and without allowing him any opportunity of hearing so as to enable him to explain his case and as such the impugned order is bad and liable to be quashed.

5.iii For that the applicant was not at all aware about any alleged survey of his quarter by the committee and as such the impugned order of cancellation of applicant's quarter and order of recovery of damage rent passed on the basis of alleged ex-parte survey by the survey committee are bad and liable to be quashed.

5.iv for that the impugned orders are violative of Article 14, 21 and 309 of the Constitution of India and as such those are liable to be quashed.

Contd..P/-

16
Surjit Singh

5.v For that the respondent authority has committed wrong in passing the impugned orders without making any enquiry to the allegation in presence of the applicant and as such the impugned orders are bad and liable to be quashed.

5.vi For that the applicant had not violated the provision of Rule 3.1 (II) and 15.A of the Railway Service (Conduct) Rules, 1966 as alleged in the impugned order dated 2.9.05 and as such the impugned order are bad and liable to be quashed.

5.vii For that the applicant will suffer irreparable loss and injury if the impugned orders are not quashed.

5.viii For that in any other view of the matter the impugned orders are bad and liable to be quashed.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that he has exhausted all the remedies available to him and the representation submitted to the respondent authority was not disposed off.

7. MATTERS NOT PENDING WITH ANY OTHER COURT:

The applicant declares that he has not challenged the impugned orders before any other court/Tribunal.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant pray for the following relief:

i) To set aside and quash the Office Order GHY/CDD/GMN/CID/C&W dated 2.9.05 quashed by the respondent No.5 (Annexure-I.).

ii) To set aside and quash the office order issued vide memo No. E/APO/1/Survey of Qrs dtd. 9.5.07 issued by the respondent No. 4 (Annexure - III).

iii) Not to ~~recover~~ any damage rent from the applicant and to refund already recovered ^{amount} from the applicant.

9. INTERIM RELIEF PRAYED FOR:

The applicant prays that pending disposal of this application the impugned order issued vide memo No. E/APO/I/Survey of Qrs/GHY dated 9.5.07 issued by the respondent No.4 imposing recovery of damage rent may kindly be stayed.

Contd..P/-

File
18
Sundhi

Sanjiv Singh

10. PARTICULARS OF THE POSTAL ORDER:

Indian Postal Order No. 324, 0411.05

Date : 28, 8, 07

Issuing Officer : Guwahati GPO

Payable at : Guwahati, GPO

11. LIST OF ENCLOSURES:

An Index showing the particulars of documents
is enclosed herewith.

VERIFICATION

I, Shri Sudhiram Hira, Son of Late Rati Ram Hira, aged about 48 years, resident of quarter No.125/L Type-II at New Guwahati Railway Colony do hereby solemnly affirm and verify that the statements made in accompanying application in paragraphs 1-4, 6 and 7 are true to my knowledge and rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 27th day of August, 2007 at Guwahati.

Sudhiram Hira

Signature



— 12 —

Amx-2

7580404

(496)

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N.E. RAILWAY.

Office of the
Sr. Coaching Depot Officer,
Guwahati, Dt. 02.09.2005

No.GHY/CDO/GEN/Qrs/C&W

To
Sri Sudhi Ram Hira
Br. Tech
Under SSE/C&W/NGC.
Through ADME/NGC.

Sub-Cancellation of allotment order of Qrs.No. 125/L Type-II at NGC.

Ref- Survey Committee's report endorsed by APO/GHY Vide his letter
No.E/1/ APO/GHY/Survey of Qrs dated 19.08.05

Railway quarters No. . 125/L Type-II at NGC. was allotted in favour of you for your residential purpose. But during survey by the survey committee it has been found that instead of residing yourself in the quarters you have subletted the quarters to a private party. Thus you have committed a serious misconduct violating the provision of Rule.3.1 (iii) and 15 A of Railway Service (Conduct) Rule.1966.

Hence your allotment of the Quarters No. . 125/L Type-II at NGC is being cancelled with immediate effect

You are advised to vacate the quarters and handed over the quarters to the new allottee immediately. Further allotment order of this quarters is to be followed.

Copy to :-

1. CAM/GHY for kind information.
2. DGM/G/MLG- For information please.
3. APO/GHY -for information and necessary action please.
4. ADME/NGC - for information and necessary action please.
5. SSE/Works/NGC - For information and necessary action
6. SSE/Elec/NGC- for information and necessary action.
7. SSE/C&W/NGC- for information and necessary action.

Sr. CDO/GHY

Sr. CDO/GHY

Confirmed to be true.
For
Adv.

The Sr. CDO,
N.F. Railway,
Guwahati.

Dated: 14-09-05

Subject: Review of cancellation of allotment order of Qtr. No. 125/L type II at NGC.

Ref.: Your letter no. GHY/CDO/GEN/Ors./C&W dated 2 / 9-09-05.

ir,

Most humbly I beg to state the followings in reference to your letter no. cited above-

1. That in the Railway Qtr. No. 125/L type II at New Guwahati, I have been residing with my family.
2. That I have no accommodation at Guwahati other than the above Railway Qtr. from where I have been sincerely rendering service to the Indian Railways.
3. That cancellation of my Qtr allotment will cause great hardship to me as well as to my family and will throw my whole family to the street.
4. That I have not sub-letted the said Railway Qtr. to anybody or any part thereof.
5. That I have not violated any provision of Railway Service (Conduct) Rule-1966.
6. That the allegation brought against me by the survey committee, that I have sub-letted the said Qtr., is concocted and baseless.
7. That the allegation brought against me is not established.
8. That on the basis of vague report of the survey committee disciplinary proceedings has been initiated against me and the process is still uncompleted.
9. That the cancellation order of my Qtr allotment is being passed ex-parte without giving me an opportunity of being heard, which is-
 - a. Violative of the principle of natural justice,
 - b. Violative of the Article 14 & 21 of the Constitution of India,
 - c. Arbitrary, and
 - d. Void ab initio.

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I, therefore, request your honour to kindly review the matter judicially and revoke the cancellation order of my Qtr. allotment on the following grounds-

1. That I have no accommodation other than the said Railway Qtr. at Guwahati
2. That the cancellation order will through my whole family to the street.
3. That the cancellation order is ex-parte
4. That the cancellation order is-
 - a. Violative of the principle of natural justice.
 - b. Violative of the Article 14 & 21 of the Constitution of India.
 - c. Arbitrary, and
 - d. Void ab initio.

And for this act of your kindness I shall remain grateful to you.

Thanking you, Sir.

Yours faithfully

Sudhi ram Hira

(Sudhi Ram Hira)

Sr. Tech.(C&W)

New Guwahati

R
14.9.01

Confirmed
ASR

15
N.E. Railway

Ann- III
24
Office of the
Divl: Personnel Officer
Station Road, Guwahati

MEMORANDUM

During the survey of quarters by the survey committee constituted by the administration the quarter shown in the attached statement were found subletted and accordingly the allotment order of the quarters were cancelled by the allotting authority.

Since the quarters have been found subletted and allotment cancelled the same treated as unauthorized occupation.

Due to unauthorized occupation of the quarters damage rent at the prescribed rate fixed by Railway Board, have been calculated and to be recovered from regular salary bill from May/07 current rate of damage rent along with arrear from the date of survey of the quarter.

This issues with the approval of CAM/GHY.

(G.K.KAKATI)
DPO/GHY

No-E/APO/1/Survey of Qrs./GHY

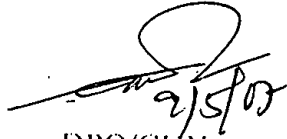
Dated: 9/5/2007

Copy forwarded for information and necessary action to:-

1. CAM/GHY,
2. Sr.CDO/GHY,
3. DRM (P)/LMG,
4. DEM/LMG,
5. Staff concerned,
6. Ch.OS (P)/Bill/GHY,
7. Concerned bill Clerk/E,

Sri Sualhi Ram Heira

Certified to be true.
for
DPO


DPO/GHY

-16-

Name of staff		Design	B.U.No	Quarter No	Location	Dt. Of Survey	Damage rent	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	Plinth area	Rate
01.	Sri Chankala Basfore,	CF/Gr.III	456	706 N/Type-I	NGC	05-08-05	36.882 Sqm	1-08-05 to 30-11-05 @ Rs.86 PSqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 Psqm= 91275.00 107135.00
02.	Sri Sudhi Ram Hira,	Sr.Tech/CF	456	125L/Type-II	NGC	05-08-05	58.87 Sqm	01-08-05 to 30-11-05 @ Rs.86 Psqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 Psqm= 145700.00 171015.00
03.	Sri Pradip Kr.Das,	CF/Gr.I	456	117L/Type-II	NGC	03-08-05	58.87 Sqm	01-08-05 to 30-11-05 @ Rs.86 Psqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 Psqm= 145700.00 171015.00
04.	Sri Hamid Ali	-do-	456	117I/Type-II	NGC	03-08-05	58.87Sqm	01-08-05 to 30-11-05 @ Rs.86 Psqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 Psqm= 145700.00 171015.00
05.	Sri Prakash Bose,	-do-	456	603A/Type-I	NGC	05-08-05	36.882Sqm	1-08-05 to 30-11-05 @ Rs.86 PSqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 Psqm= 91275.00 107135.00
06.	Sri Abhoy Kr.Das	ALP/NGC	456	611J/type-I	NGC	05-08-05	36.882Sqm	1-08-05 to 30-11-05 @ Rs.86 PSqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 Psqm= 91275.00 107135.00
07.	Sri Harpati Deka,	CF	456	708D/type-I	NGC	05-08-05	36.882 Sqm	1-08-05 to 30-11-05 @ Rs.86 PSqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 Psqm= 91275.00 107135.00
08.	Sri Hiten Barua	S/Clerk	456	117H/type-II	NGC	03-08-05	58.87 Sqm	01-08-05 to 30-11-05 @ Rs.86 Psqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 Psqm= 145700.00 171015.00
09.	Sri Khargeswar Bora,	CF/I	456	117G/type-II	NGC	03-08-05	58.87 Sqm	01-08-05 to 30-11-05 @ Rs.86 PSqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 Psqm= 145700.00 171015.00
10.	Sri D.N. Das,	CF/II	456	704B/type-I	NGC	04-08-05	36.882Sqm	1-08-05 to 30-11-05 @ Rs.86 PSqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 Psqm= 91275.00 107135.00
11.	Sri Ramesh Hira,	OS/II	456	244C/type-III	NGC		65.68 Sqm	01-08-05 to 30-11-05 @ Rs.86 Psqm= 28242.00 01-12-05 to 30-04-06 @ Rs.99 Psqm= 162558.00 190800.00
12.	Sri Jogeswar Doloi,	CF/I	456	702C/type-I	NGC	05-08-05	36.882Sqm	1-08-05 to 30-11-05 @ Rs.86 PSqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 Psqm= 91275.00 107135.00

Contd-2

[Signature]
9/5/07

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IT Centre/LMG *Pay in Slip* Jul-2007/Aug-2007 GU:30013 BU:44456 Duty: 31 LWP: 0 Sin:NGC SN- 88
 Alocn:08521 PAY ALLOWANCES--->Rs RLY RECOVERIES--->Rs 8.1 NRB RECOVERIES--->Rs 8.1
 Name :SUDHIRAM HIRA Basic Pay * 6200 PF-Subsc * 775 P Tax Assan * 155
 F/H Name: Lt. Rati Ram Hira D.P. * 3100 CGIS-CP * 30 Rly Inst/NG*
 EmpNo :04055664 D.A. * 3255 Water Charge* 15
 Desgn. :SRTCH SCA * 160 Arr Electric* 569 19
 Accumulated LAP:123 LHAP:118 Transport/G * 75 HBA * 3573 39
 OP-B/Pay * 620
 OP-DA * 325
 OP-DP * 310
 Dmg Rent * 5828
 Durga. FA * 150

Scale:05000-08000 R/Pay:6200 Gross Pay Rs.12790 Deductn. Rs.12353 NETPAY RS.437.00
 Next increment: 01-Nov-2007 Retd. Dt.:31-Dec-2010

Cash Payment

Certified to be true
Sia
2010

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.180 of 2007.

Date of Order : This the 19th Day of July, 2007.

THE HON'BLE SHRI K.V.SACHIDANANDAN, VICE CHAIRMAN

Shri Harapaty Deka
S/o Late Hangsha Ram Deka
Resident of Qr. No. 708/D-Type-I
At New Guwahati Colony,
Guwahati, Kamrup, Assam.

... Applicant

✓ By Advocate Shri A.C.Sarma

- Versus -

1. Union of India,
Represented by the Secretary,
Railway Board, Ministry of Railways,
New Delhi-110 001.
2. The General Manager,
N.F.Railway, Maligaon,
Guwahati-11.
3. CAM/GHY (Chief Area Manager)
N.F.Railway, Guwahati.
4. DPO/GHY (Divisional Personnell Officer)
N.F.Railway, Guwahati.
5. Senior Coaching Depot Officer/GHY
N.F.Railway, Guwahati.

..... Respondents

By Advocate Dr J.L.Sarkar, Railway Standing Counsel.

ORDER (ORAL)SACHIDANANDAN, K.V. (VC)

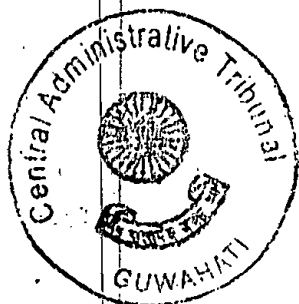
The applicant is working under the N.F.Railway and according to him he is a resident of Quarter No. 708/D-Type-I at New Guwahati Colony. According to the averment following the prescribed

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28 following the prescribed rules respondent No.5 had cancelled the allotment order of the quarter but still nevertheless he continued in occupation of the same. On 9.5.07 respondent No.4 issued order imposing damage rent on the applicant. The applicant has filed an appeal before respondent No.3 on 28.6.07 which has not yet been disposed of. Aggrieved by the cancellation of allotment order and imposing damage rent the applicant has filed this O.A seeking the following reliefs.

- i) To set aside and quash the office Order No.GHY/CDO/GEN/Qrs./C&D dtd. 2.9.05 passed by respondent No.5 - Annexure-1.
- ii) To set aside and quash the office order issued vide memo No.E/APO/1/Survey of quarters/Guwahati dated 9.5.07 issued by the respondent No.4- Annexure-2.



2. Heard Mr A.C.Sarma, learned counsel for the applicant and Dr J.L.Sarkar, learned Railway standing counsel for the respondents. The applicant submitted that the impugned order has been passed by the respondents in total violation of natural justice. No notice was issued to him nor any opportunity was given to him to explain his case. His representation was not attended to. His appeal is also pending. He further submitted that he will be satisfied if a direction is given to the 3rd respondent to dispose of the appeal within a time frame. Dr J.L.Sarkar, learned Railway standing counsel submitted that he has no objection in adopting such a proposal.

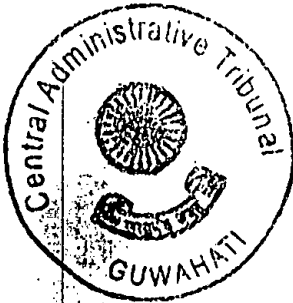
3. Accordingly, we direct the respondent No.3 or any other competent authority to consider the appeal of the applicant and pass a reasoned order on merit within a period of 3 weeks from the date of

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receipt copy of this order after giving opportunity to the applicant to explain his case in person and communicate the same to the applicant forthwith. In the interest of justice this Court further directs that impugned order for recovery will be kept in abeyance till disposal of his appeal.

O.A is disposed of at the admission stage itself. However, there shall be no order as to costs.

Sd/ VICE CHAIRMAN



TRUE COPY

प्रतिलिपि

अनुभाग सचिव

Section Officer

Central Administrative Tribunal

गुवाहाटी

GUW

गुवाहाटी नं. 23/7/07-5

KS 23/7/07



— 24 —
N.F. RAILWAY.

Ann - V
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Office of the
Sr. Coaching Depot Officer,
Guwahati, Dt. 14/08/2007

No. GHY/CDO/GEN/Qrs/C&W

To,
✓ Sri Hiten Baruah
Sr. Clerk
Under SSE/C&W/IC/NGC.

Sub- Revocation of Cancellation order of allotment against Qrs.No.117-II
Type-II at Bamunimaidam, New Guwahati.

Ref- This office order No. GHY/CDO/GEN/Qrs/C&W. Dated 02.09.05

The Cancellation order of Railway quarters No.117-II, Type-II at Bamunimaidam, NGC Which was communicated to vide this office letter No. GHY/CDO/GEN/Qrs/C&W dated 02/09/05 is being revoked. The original allotment order of the QRS in favour of you will be retained.

Copy to: -

1. CAM/GHY for kind information.
 2. DGM/G/MLG
 3. DPO/GHY for information and necessary action please.
 4. ADME/NGC.
 5. SSE/Works/NGC
 6. SSE/Elec/NGC
 7. SSE/Coaching /IC/GHY
- } for information and necessary action.

[Signature]
Sr. CDO/GHY

[Signature]
Sr. CDO/GHY

*Consolidated to be in
ADP*