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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

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O.A/T.A No. *OA 230/2007*

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SECTION OFFICER (Judl.)

Bahin
29/10/07

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDERS SHEET

1. Original Application No. 230/07
2. Miscellaneous Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Joginon Doloi -VS- Union of India & Ors

Advocate for the Applicants:- A.C. Sarma, S. Saikia, P. Medda
U. Sarma, S. Talukdar

Advocate for the Respondents:- Pl. advocate

Notes of the Registry	Date	Order of the Tribunal
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This application is in form No. 226/04/01 dated 28.8.07 is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. 226/04/01 dated 28.8.07. 30.8.07. Judgment delivered in open Court. Kept in separate sheets. Application is disposed of. No costs.

By Registrar

Di

Petitioner's copy for use
of the court is received
with envelope.

Di

Di
4/10/07
By Standup counsel

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH.

(O.A. No 230 of 2007)

DATE OF DECISION 30.8.2007.

Mr.Jogeswar Doloi

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 complied 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

u

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application .No.226 of 2007.

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

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

Sri Jogeswar Doloi S/Osri Sasi Doloi ~~Deo Ratnam Hira;~~
Resident of Quarter No.702/C Type-I at NGC,
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:

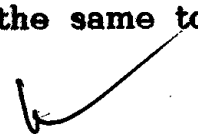
The applicant is working as a Sr. Technician in the N.F.Railway, New Guwahati, and residing at Quarter No.702/C Type -I with his family. Since allotment of the quarters. The Respondent No, 5 vide his order dated 2.9.05 cancelled the order of allotment of the applicant's

✓

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 2.9.05 (Annexure III) imposing damage rent to the tune of Rs. 1,07,135/- 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. 3651/- per month. Aggrieved by the certain action the applicant has filed this O.A.

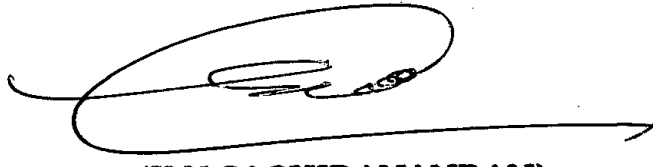
2. I have heard Mr .A. C. Sarma learned counsel for the applicant and Dr.J.L.Sarkar learned counsel for the Railway. When the matter came up for hearing the learned counsel for the applicant has submitted that no notice was issued to him nor any opportunity was given to him to explain his case. His representation 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.

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 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



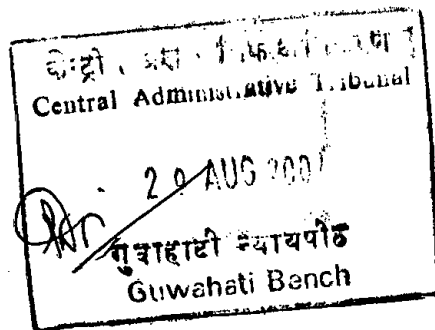
applicant forthwith. In the interest of Justice this Court further directs that impugned order for recovery will be kept in abeyance till disposal of his appeal.

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



DISTRICT: KAMRUP

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

AT GUWAHATI

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

O.A. NO. 230 /2007

Sri Jogeswar Doloi

..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. 702/C Type-I 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 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

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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.1,07,135/- 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.3651/- per month. If in this way the alleged damage rent is recovered it will be ~~impossible~~ for the applicant to maintain the livelihood of his family. Hence this application before this Hon'ble Tribunal.

Filed by:

Somit Sarma

Advocate, Guwahati

a

DISTRICT: KAMRUP

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

AT GUWAHATI

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

O.A. NO. 230 /2007

Sri Jogeswar Doloi ..Applicant

-Versus-

The Union of India & Ors.

.....Respondents

I N D E X

<u>SL.NO.</u>	<u>ANNEXURE PARTICULARS</u>	<u>PAGE NOS.</u>
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6.	IV Copy of Appeal dtd. 19.8.07	16
7.	V Copy of pay slip after deduction	17
8.	VI A copy of Tribunal order directing dispose off the representation.	18
9.	VII A copy of revocation order dtd.14.8.07 passed by the respondent in respect of Quarter No. 117-H.	21

Filed by:

Smit Sarkar
Advocate

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
AT GUWAHATI

O. A. NO. _____/2007

BETWEEN

Sri Jogeswar Doloi,

S/o Sri Sasi Doloi

Resident of Quarter No.702/C Type-I.
at NGC, 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
to Jogeswar Doloi
Sri Sasi Doloi
S/o Sri Sasi Doloi
Resident of Quarter No.702/C Type-I.
at NGC, New Guwahati Colony.

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.702/C Type -I 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.1,07,135/- 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/-

to geswar Doley //

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. 702/C Type-I 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. 702/C Type-I 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 - I.

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 15.A of Railway Service (Conduct)

Contd..P/-

fozeswar Doloi
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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 is all along residing in the quarter allotted to him and he was not aware of inspection of his quarter by any survey committee neither any prior show cause notice was issued to him by the respondent authority before cancellation of the allotment order of his quarter. The applicant approached the respondent authority and prayed for revocation of the cancellation order of his quarter.

A copy of the share holder card of railway co-operative consumer stores is annexed herewith as Annexure - II.

4.vi That the applicant has been peacefully occupying in his quarter without any interruption from any corner, moreover no any new allottee also came to take over the charge of the quarter for which the applicant was in bonafide presumption that the respondent authority being satisfied with the prayer and explanation of the applicant might have dropped the issue regarding subletting of quarter.

4.vii That the applicant to his utter surprise after more than one and half years have suddenly re-

Contd..P/-

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Dolei
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ceived 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.1,07,135/- 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 submitted an appeal before the respondent No.3 on 19.8.07 against the aforesaid order of recovery and prayed for revocation of the recovery order stating inter alia that the applicant has never sub letted his quarter and he himself residing in his quarter since its allotment.

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

4.ix That the respondent authority has started recovery of damage rent at the rate of Rs.3651/- from the salary of petitioner/applicant and after recovery it has become very difficult from the part of applicant to manage the monthly expenditure of his family.

for signature of respondent No.4

A copy of the pay slip for July/August '07 is annexed herewith Annexure - V.

4.x 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 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 - VI.

4.xi That the applicant has come to know that in pursuance of the direction as stated above vide this Hon'ble Tribunal issued by 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 - VII.

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

Contd..P/-

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

5. GROUND 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.5 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/-

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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.

Handwritten signature/initials at the top right corner.

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 o.5 (Annexure-I.).
- ii) To set aside and quash the office order issued vide memo No. E/APO/I/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.

10. PARTICULARS OF THE POSTAL ORDER:

Indian Postal Order No. 324 041101

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.

for Geswan Doloi
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[11]

VERIFICATION

I, Shri Jogeswar Doloi, Son of ~~Sri~~^{Sri} Doloi,
resident of quarter No.702/C Type-I
at New Guwahati Railway Colony. do hereby solemnly
affirm and verify that the statements made in accompa-
nying 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.

Jogeswar Doloi

Signature



(12)

Ann-I

7684293

(494)

N.E. RAILWAY

Office of the
Sr. Coaching Depot Officer,
Guwahati, Dt. 02.09./2005

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

To
Sri Jogeswar Doloi
Tech/Gr-I
Under SSE/C&W/NGC,
Through ADME/NGC.

Sub-Cancellation of allotment order of Qrs.No.702/C Type-I 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. 702/C Type-I 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. 702/C Type-I 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/Work/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


12/9

*Certified for
via
adv.*

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Rly. Co-operative Consumers' Store Ltd.

NEW GUWAHATI, GUWAHATI-21 (ASSAM)

Regd. No. G-28-1963-64 Date 5-8-64



SHARE HOLDER NO. : 452

Name : Jogeswar Doloi

Designation : Sr. Tech.

Department : SSE/C&W/NGC

Dt. of Appointment : 03-12-1982

RECEIVED SHARE VALUE Rs. 10.00

Date : 18-10-2006

S. Chandra
18/10/06
Secretary

Rly. Co-op. Cons' Store Ltd.
New Guwahati

Sign. of Issuing Authority :

Authorized for the firm.
[Signature]
for

(14)
N.F.Railway

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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: 9/15/2007

Copy forwarded for information and necessary action to:-

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

Authorized to be done
for
Adv.

Sri Jogeshwar Doloi

9/15
DPO/GHY

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Sl. No.	Name of staff	Design	B.U.No	Quarter No	Location	Dt. Of Survey	Damage rent	
							Plinth area	Rate
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
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	05-03-05	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

9/5

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(16)

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To

The Chief Area Manager,
N.F. Rly. Guwahati.
(Through Proper Channel).

Sub : Appeal against order of recovery of Damage rent.

Ref : DPO/GHY's Memo no. E/APO/1/Survey of Qrs./GHY. Dated 09.05.07.

Respected Sir,

I beg to state the following for your kind consideration and further necessary action please.

That Sir, I have been residing with my family at the Rly. Qrs. 702/C Type-I at NGC Rly. Colony since the occupation of the same. Sr. SDO/GHY (Qrs. allotting authority) had cancelled the allotment of my Qrs. arbitrarily on the basis of an erroneous report of Survey Committee constituted by the administration with the plea that I had subletted my Qrs. vide Sr. CDO/GHY's Order No. GHY/CDO/GEW/Qrs/C7W dt. 02.09.05.

That Sir, I had never subletted my Rly. Qrs. or any part thereof. However, I have received another arbitrary orders in the matter from DPO/GHY cited under reference to recover damage rent of my Qrs. alongwith an outstanding amount of Rs. 1,07,000.00 and 2 instalment @ Rs. 3,652/- has already recovered in last 2 month from my salary.

I, therefore, request your honour kindly look into the matter and arrange to release me from the deduction of amount so that I may live with my family peacefully.

Yours faithfully,

Jogeswar Doloi

Jogeswar Doloi
Sr. Tech. (SF)
UNDER SSE(C&W/ngc)

Certified to be true.
A.O.

B
19/8/07
OSH

Centre/LMS *Pay-In-Slip* JUL-2007-Aug-2007 GU:30013 BU:44456 Duty: 31 LWP: 0 Sign: NEE SN: 114
 Alocn: 06310 *PAY ALLOWANCES--->Rs RLY RECOVERIES--->Rs B-I-NRB RECOVERIES--->Rs B-I
 Name: JAGESWAR DOLDI Basic Pay * 5900 PF-Subsc. * 338 P-Tax-Assam * 155
 H-Name: SASHI RAM DOLDI D.P. * 2950 CGIS-C * 30 LIC/MLG * 455
 EmpNo: 04129180 D.A. * 3098 Water Charge* 5 CCSShare CAL* 100
 Desgn: SRTCH SCA * 120 Ann Electric* 335
 Accumulated LAP: 103, LHAP: 105 Transport/G * 75 Dmg Rent * 3651
 NDA * 265

Scale: 05000-08000 R/Pay: 5900 Gross Pay Rs. 12409 Deductn. Rs. 5469 NETPAY Rs. 6940.00
 Next Increment: 01-Mar-2008 Retd. Dt.: 31-Jul-2018 Cash Payment

Authorized to be made
[Signature]
Adv.

(18)

Ans - VI

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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 Personnel 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)

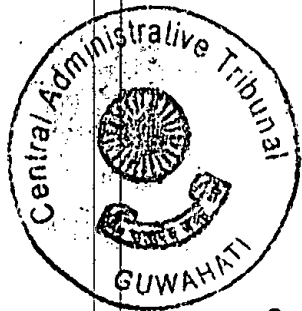
SACHIDANANDAN, K.V. (VC)

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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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

[Handwritten signature]

(20)

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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

प्रतिप्रति

(Signature)

अनुभाग, दि. 23/7/07

Section
Central Adm. Tribunal
गुवाहाटी
GUW
गुवाहाटी दि. 23/7/07

23/7/07



(21)

Amx VII 29

N.F. RAILWAY.

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-H
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-H, 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.


Sr. CDO/GHY

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.

Authorized for the time

ADV

Sr. CDO/GHY