

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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 267/2007

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SECTION OFFICER (Judl.)

*Shakti*  
70/10/17

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

1. Original Application No. 267/07

2. Misc Petition No. /

3. Contempt Petition No. /

4. Review Application No. /

Applicant(s) ... Bhaskar Deb lala ... vs Union of India & Ors

Advocate for the Applicants ... Adil Ahmed, Ms. S. Bhattacharya

Advocate for the Respondent(s) Addl. Cas. L. Das .....

Notes of the Registry	Date	Order of the Tribunal
The application is in form is filed/C. F. for Rs. 50/- d. posited vide IPO/23 No. 326/04/217 Dated 28.8.07	12.10.07	Heard Mr. Adil Ahmed learned counsel appearing for the Applicant and Ms. Usha Das, learned Addl. Standing Counsel appearing for the Central Government, on whom copy of the Original Application has already been served.
Registar		Issue Notice on the Respondents requiring them to file reply/Written statement by 5 <sup>th</sup> December, 2007.
<i>By</i>		
<i>Petition's copy for issue Notices one received with envelope. Copy served.</i>		
<i>Pl. issue Notices to Res- pondents.</i>	06.12.2007	Call this case on 07.01.2008 awaiting Im/written statement from the Respondents.
<i>Pl. issue Notices to Res- pondents.</i>	/bb/	

*Khushiram*  
Member(A)

*Y*  
(M.R. Mohanty)  
Vice-Chairman

*Khushiram*  
Member (A)

*Y*  
(M.R. Mohanty)  
Vice-Chairman

*Pl. issue Notices to Res-  
pondents.*

Notice & order set to D/Section for issuing to R-1,2 by regd. A/P, D/No. 1369 &  
15/11/07. D/16/11/07.

① W/S not filed.

① Service report  
awaited.

23  
5.12.07

Notice duly served  
on R-1,2.

23/12/07

W/S not filed.

24  
4.1.08

W/S not filed.

24  
24.1.08

/bb/

JK  
(Khushiram)  
Member (A)

JK  
(M.R.Mohanty)  
Vice-Chairman

25.01.2008

Learned counsel appearing for the Respondents undertakes to file written statement during the course of the day, after serving copy on learned counsel for the Applicant. Mr. Adil Ahmed, learned counsel appearing for the Applicant seeks sometime to file rejoinder. Rejoinder, if any, be filed by 15<sup>th</sup> February, 2008.

Call this matter on 22.02.2008 for

disposal.

JK  
(M.R.Mohanty)  
Vice-Chairman

lm

JK  
(Khushiram)  
Member(A)

18.2.08 20.02.2008

Mrs. S. D. Choudhury, learned counsel appearing for the Applicant is present. None for the Respondents.

Counsel for the ~~for the~~ applicant wants two weeks time to get instructions as the rejoinder is ready but need signature of the Applicant.

Call this matter on 11.03.2008

JK  
(Khushiram)  
Member (A)

lm

Rejoinder not  
filed.

21.2.08

Rejoinder not  
filed.

16.3.08

O.A.

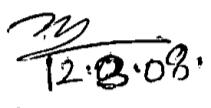
267/07

3  
11.03.2008 At the request of Mr.A.Ahmed, learned counsel appearing for the Applicant call this matter on 20.03.2008.

Rejoinder not filed.

hm

  
(M.R.Hohanty)  
Vice-Chairman

  
12.3.08  
20.03.2008

Call this matter on 24.03.2008.

Rejoinder not filed.

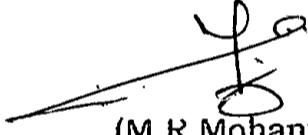
  
/bb/  
19.3.08

Khushiram)  
Member (A)

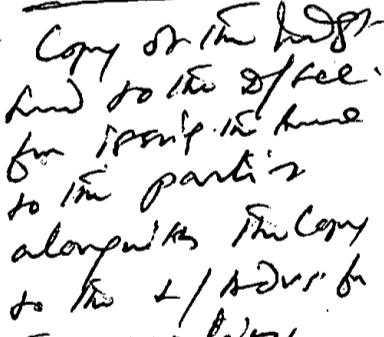
  
(M.R.Mohanty)  
Vice-Chairman

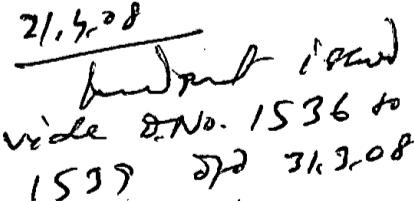
24.03.2008 Heard. Judgment pronounced in open Court. Kept in separate sheets. Application is disposed of. No costs.

28.3.08

  
hm

(M.R.Mohanty)  
Vice-Chairman

  
Copy on the date  
and to the office  
for stamp the same  
to the parties  
alongwith the copy  
to the L/Adv for  
the parties.

  
21.3.08  
Judgment issued  
vide d.No. 1536 to  
1537 dt 31.3.08



CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No 267 of 2007

DATE OF DECISION: 24.03.2008

Shri Bhaskar Deb Lala ..... Applicant/

Mr.A.Ahmed ..... Advocate for the  
Applicant/s.

- Versus -

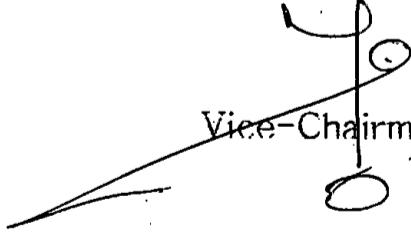
U.O.I. & Ors ..... Respondent/s

Ms Usha Das, Addl.C.G.S.C. ..... Advocate for the  
Respondents

CORAM

THE HON'BLE MR.MONORANJAN MOHANTY.VICE-CHAIRMAN

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

  
Vice-Chairman/Member

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.267 of 2007

Date of Order: This the 24<sup>th</sup> Day of March, 2008.

**HON'BLE MR.MONORANJAN MOHANTY, VICE-CHAIRMAN**

Shri Bhaskar Deb Lala  
MES No.243375  
Son of Late Bhupendra Kumar Deb Lala  
Junior Engineer (E/M)  
Office of the Garrison Engineer  
Silchar  
Post Office-Arunachal  
District-Cachar  
Assam

Applicant.

By Advocate Mr.A.Ahmed,

- Versus-

1. The Union of India

Represented by the Secretary to the  
Government of India,  
Ministry of Defence,  
101 South Block,  
New Delhi-1

2. The Garrison Engineer

Silchar  
Military Engineer Services  
PIN-900380  
C/O 99 APO

Respondents

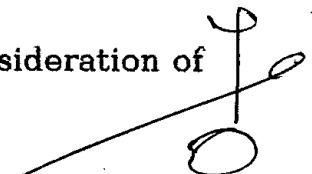
By Ms.Usha Das, Addl.C.G.S.C.

**ORDER (ORAL)**

**M.R.Mohanty, V.C:**

In this case written statement and rejoinder have already  
been filed by the parties. The case is yet to be admitted.

2. At the hearing, Mr.A.Ahmed, learned counsel appearing for  
the Applicant, has submitted a Memorandum disclosing desire of the  
Applicant to file comprehensive representation before the authorities  
for allotment of a Type-IV quarters stated to be lying vacant under  
the Respondent No.2; which should received the due consideration of



the Respondents. He prays for disposal of this case with direction to the Respondents to consider his comprehensive representation to be filed.

3. In the above premises, liberty is, hereby, granted to the Applicant to file a comprehensive representation before the competent authority to allot him a Type-IV quarters and, if any such representation is made by the Applicant, then the Respondents should give due consideration to the same for allotment of an appropriate quarters, as due and admissible under Rules, to the Applicant.

4. With aforesaid observations and directions the O.A. stands disposed of.

5. Send copies this order to the Applicant and to the Respondents in the address given in this O.A and free copies of this order be also supplied to Mr.A.Ahmed, learned counsel appearing for the Applicant and Ms.Usha Das, learned Addl.Standing Counsel appearing for the Respondents department.

*M.R.Mohanty*  
24/03/08  
(M.R.MOHANTY)  
VICE-CHAIRMAN

LM

( OCT 2007 )

गुवाहाटी बैचारिक  
Gauhati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 267 OF 2007.

Shri Bhaskar Deb Lala

...Applicant

-Versus-

The Union of India & Others

...Respondents

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Date- 26.9. 2007

Filed by

Smita Bhattacharjee  
ADVOCATE

Bhaskar Deb Lala

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 267 OF 2007.

Shri Bhaskar Deb Lala

...Applicant

-Versus-

The Union of India & Others

...Respondents

SYNOPSIS:

The Applicant is working as Junior Engineer under the Respondent No. 2 i.e. the Office of the Garrison Engineer, Silchar Military Engineer Services PIN- 900380 C/o 99 APO. His basic monthly salary is Rs. 9,500/-. As per the Government of India Notification dated 12-11-1998 and the Finance Rule, SRO 317-B-5 cited therein it has been stated that the allotment of quarters to the employees are to be made on the basis of the monthly emoluments of the employee. As such the Applicant had applied before the Respondent No. 2 for allotment of a Type-IV Quarter, preferably at Kalibari area, which is nearer to his daughter's school, vide his application dated 25-07-2007. But, the Respondent No. 2, vide his letter No. 3025/198/E3B dated 01-08-2007 returned the Application of the Applicant, without taking any action in this regard, stating that there is no accommodation available at Kalibari area and rather requesting him make fresh application for allotment of quarter at Chittagang Colony, where a few accommodations were available. Accordingly the

Bhaskar Deb Lala

Bhaskar Deb Lala  
Bhaskar Deb Lala

Applicant applied for a Quarter at Chittagang Colony, which is not a Type-IV Quarter. However, the Applicant has come to know that a Type-IV Quarter is lying vacant at Kalibari area. As such, he filed a representation dated 02-08-2007 before the Respondent No. 2, requesting him to allot the Quarter to him, as he is entitled to it and was already availing at his previous station. But the Respondent No. 2, vide his letter No. 3025/200/E3B AGE E/M Silchar dated 07-08-2007 rejected the representation of the Applicant very mechanically and without applying his mind merely on the ground that the Accommodation at Kalibari area was constructed for Group 'A' & 'B' MES Civilian Married Officers Accommodation which cannot be allotted to other than officers, which is in total violation of the Rules framed under the Government Of India, Notification dated 12-11-1998. Hence the Applicant is now compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

Bhaskar Deb Lala

FILED BY

Shri Bhaskar Deb Lala  
Applicant  
Through-Smita Bhattacharjee  
(Advocate)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 267 OF 2007.

BETWEEN

Shri Bhaskar Deb Lala  
MES No. 243375  
Son of Late Bhupendra Kumar Deb  
Lala  
Junior Engineer (E/M)  
Office of the Garrison Engineer  
Silchar  
Post Office- Arunachal  
District- Cachar  
Assam.

...Applicant

-AND-

1. The Union of India  
Represented by the Secretary to  
the Government of India,  
Ministry of Defence,  
101 South Block,  
New Delhi-1.
2. The Garrison Engineer  
Silchar  
Military Engineer Services  
PIN-900380  
C/o 99 APO.

...Respondents

DETAILS OF THE APPLICATION

- 1) PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

The Application is made against impugned order No. 3025/200/E3B dated 07-08-2007 issued by the office of the Respondent No. 2 i.e. the Garrison Engineer, Silchar, Military Engineer Services PIN-

Bhaskar Deb Lala

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900380 C/o 99 APO, by which the Applicant's representation dated 02-08-2007 for allotment of Type-IV Quarter to him has been rejected.

2) JURISDICTION OF THE TRIBUNAL:

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

3) LIMITATION:

The Applicant declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1) That your humble Applicant is a citizen of India and as such he entitled to all rights and privileges guaranteed under the Constitution of India. Presently he is aged about 54 years.

4.2) That your Applicant begs to state that he is working as Junior Engineer (E/M) under the Office of Garrison Engineer, Silchar, Military Engineer Services PIN- 900380 C/o 99 APO. He is a Central Government Civilian Employee and drawing the basic pay of Rs 9,500/- at the scale of Rs.6500 to 10,500/-.

Photocopy of one of the monthly Pay Slip is annexed herewith and marked as ANNEXURE-A.

Bhaskar Deb Lala

ग्रन्ती नं १२५  
G.S.R. 225  
12-11-1998

4.3) That your Applicant begs to state that the Government of India, Director of Estates, vide Notification No. 12035/1/98-Pol. II dated the 12<sup>th</sup> November 1998 has provided a chart for allotment of a residence or quarters to it's employees as per their monthly emoluments. The relevant portion of the said Notification dated 12-11-1998 is quoted below for the kind perusal of this Hon'ble Tribunal.

Classification of Residences

[S.R.317-B-5. Save as otherwise provided by these rules, an officer will be eligible for allotment of a residence of the type shown in the table below --

- TABLE -

Type of Residence	Category of Officers or his monthly emoluments as on such date as may be specified by the Central Government for the purpose of concerned allotment year.
I	Less than Rs. 3,050.
II	Less than Rs. 5,500 but not less than Rs. 3,050.
III	Less than Rs. 8,500 but not less than Rs. 5,500.
IV	Less than Rs. 12,000 but not less than Rs. 8,500.
IV-Special	Less than Rs. 12,000 but not less than Rs. 10,000.
V-A	Less than Rs. 15,100 but not less than Rs. 12,000.
V-B	Less than Rs. 18,400 but not less than Rs. 15,100.
VI-A	Less than Rs. 22,400 but not less than Rs. 18,400.
VI-B	Less than Rs 24,500 but not less than Rs. 22,400.

1. Substituted by G.I. Dir. Of Estates, Notification No.12035/1/98-Pol.II, dated the 12<sup>th</sup> November, 1998, and published in the Gazette of India as G.S.R. 225, dated the 12<sup>th</sup> November, 1998.

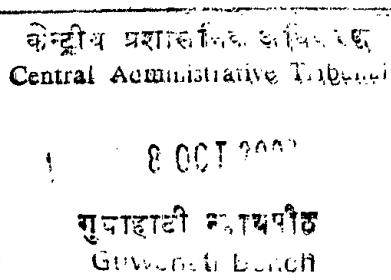
Photocopy of the relevant portion of the Government of India Notification dated 12-11-1998 is annexed herewith and marked as ANNEXURE B.

Bhaskar Deb Lal

4.4) That your Applicant begs to state that the basic pay of the Applicant is Rs. 9,500/- and accordingly the Applicant is entitled to the Type-IV Quarter as per the aforesaid chart. As per his pay scale he applied for Married Accommodation before the Respondent No.2 on 25-07-2007. In the aforesaid Application he stated that he might be allotted the Married accommodation preferably at Kalibari Area for easy convenience of his daughters to attend her school at Kendriya Vidyalaya at Silchar.

Photocopy of the application dated 25-07-2007 filed by the Applicant is annexed herewith and marked as ANNEXURE-C.

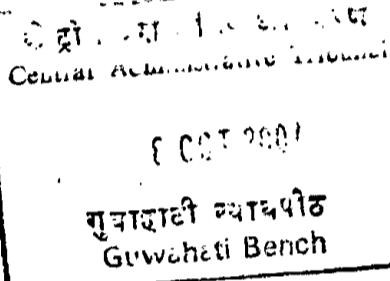
4.5) That your Applicant begs to state that the Respondent No. 2 vide his letter No.3025/198/E3B dated 1<sup>st</sup> August 2007 returned the Application of the Applicant dated 25.07.07 without taking any action. However, the Respondent No.2 has stated in the said letter that " As no accommodation is available in Kali Bari area, However, few Accns vacant in Chitagang Colony. Hence you are requested to forward fresh Application if you are willing to accept the qtr in Chitagang Colony."



Photocopy of the letter No. 3025/198/E3B dated 01-08-2007 issued by the Office of the Respondent No. 2 is annexed herewith and marked as ANNEXURE- D.

4.6) That your Applicant begs to state that as per the advice of the Respondent No. 2 the Applicant had applied for the Quarter at Chittagang Colony. In the Chittagang Colony the Type IV Quarters are

not located. However, in the Kali Bari area Type IV Quarters are available and one Type IV Quarter is lying vacant. Accordingly the Applicant filed a representation dated 02-08-2007 before the Respondent No. 2 through ACE E/M Silchar requesting him to allot Type IV Quarter at Kalibari area. In the said Representation the Applicant has stated that as per Financial Rule, SRO 317-B-5, he is entitled to Type-IV Quarter in accordance to his basic pay. He had further stated that in previous station he has availed the facility of Type IV Quarter.



Photocopy of the Representation dated 02-08-2007 filed by the Applicant is annexed herewith and marked as ANNEXURE E.

4.7) That your Applicant begs to state that on receipt of the Representation dated 02-08-2007 filed by the Applicant, the office of the Respondent No. 2 vide their letter No. 3025/200/E3B ACE E/M Silchar dated 07-08-2007 rejected the request of the Applicant for allotment of Type IV Quarter in a mechanical and whimsical manner. The Office of the Respondent No.2 rejected the Representation of the Applicant on the ground that the accommodation at Kalibari was constructed for Group A and B MES Civilian Married Officers accommodation. Therefore, the said accommodation cannot be allotted to other officers. The said Rejection Order is vague and also not sustainable in the eye of law. The Government of India vide their Notification S.R.317-B-5 has categorically stated that allotment of Quarter on the basis of the monthly salary of it's employee. Therefore, the Rejection

8 OCT 2007

✓ गुवाहाटी न्यायपीठ  
Guwahati Bench

Order dated 07<sup>th</sup> August 2007 regarding non-allotment of Type IV Quarter to the Applicant on the basis of Group A & B does not arise. Hence, finding no other alternative the Applicant is compelled to approach this Hon'ble Tribunal by filing this Original Application for seeking justice in this matter.

Photocopy of the rejection letter No. 3025/200/E3B ACE E/M Silchar dated 07-08-2007 is annexed herewith and marked as ANNEXURE F.

4.8) That your Applicant submits that as per the Finance Rule SRO 317-B-5 the allotment of quarters are made on the basis of the basic monthly emolument of the employee and not on the basis of any specific group of Officers. Thus, depriving the Applicant from allotment of Type-IV quarter, which he is entitled to avail as per his basic salary and which he was already availing at his previous station is against the Rules framed by the Government of India vide its notification dated 12-11-1998 and is also highly improper and unjustified.

4.9) That your Applicant submits that the Respondents have violated the fundamental rights of the Applicant guaranteed under the Constitution of India by not allotting the Type -IV Quarter to him.

4.10) That the Applicant humbly submits that the action of the Respondents is illegal, arbitrary, mala fide and also in colourable exercise of power to accommodate their interested persons. As such,

Phasker Deb Lal

it is a fit case for immediate interference by this Hon'ble Tribunal.

4.11) That your Applicant submits that similarly situated persons are already enjoying the same benefit. Thus depriving the Applicant from enjoying this benefit clearly shows the discriminatory attitude taken by the Respondents towards the Applicant.

4.12) That the Applicant submits that the legitimate expectations of the Applicant, in view of the facts and circumstances that have narrated above, have apparently been infringed in the instant case.

4.13) That the Applicant demanded justice and the same has been denied to him.

4.14) That this application has been filed bona fide to secure the ends of justice.

#### 5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in *prima facie* illegal, *mala fide*, arbitrary and without jurisdiction. Hence the impugned Rejection Order No 3025/200/E3B ACE E/M/ Silchar dated 07-08-2007 is liable to be set aside and quashed.

5.2) For that, as per the Finance Rule, SRO 317-B-5 the allotment of quarters to the employees are to be made on the basis of the basic monthly emoluments of the employees and not on the basis of any specific group of Officers. Thus

depriving the Applicant from allotment of Type-IV quarter, which he is entitled as per his basic salary and which he was already availing at his previous station is against the Rules framed by the Government of India vide its notification dated 12-11-1998 and is also highly improper and unjustified. Hence the impugned Rejection Order No 3025/200/E3B AGE E/M/ Silchar dated 07-08-2007 is liable to be set aside and quashed.

5.3) For that, the action of the Respondents in *prima facie* is *mala fide*, illegal and with a motive behind. As such, the action of the Respondents is illegal, arbitrary and also violative of the natural justice. Hence the impugned Rejection Order No 3025/200/E3B AGE E/M/ Silchar dated 07-08-2007 is liable to be set aside and quashed.

5.4) For that, the Respondents have violated the fundamental rights guaranteed under Article 14, 16 & 21 of the Constitution of India. Hence the impugned Rejection Order No 3025/200/E3B AGE E/M/ Silchar dated 07-08-2007 is liable to be set aside and quashed.

5.5) For that, the Applicant's daughter is studying in School at Kendriya Vidyalaya, Silchar, which is nearer to Kalibari area, where a Type-IV Quarter is lying vacant, which can be availed to the Applicant without disturbing any other person. Thus, it is not just and fair to deprive the Applicant from getting allotment of Type-IV Quarter, which he is entitled as per his basic monthly salary, when there is a vacant quarter available.

8 OCT 2007

गुवाहाटी व्यावसीठ

5.6) For that the Central Government being the concerned Bench employer cannot be allowed to adopt a differential treatment to the Applicant.

5.7) For that, similarly situated persons have already got the benefit of allotment of Type-IV Quarter. As such the Respondents should also consider the case of the Applicant.

5.7) For that, the action of the Respondents is not maintainable in the eye of Law.

The Applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of the instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the Applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the

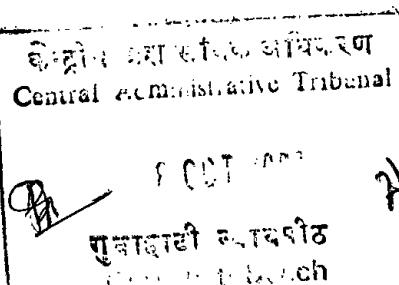
Bhaskar Deb Lal

Applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the Applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

- 8.1) That the Hon'ble Tribunal may be pleased to quash and set aside the impugned Rejection Order No. 3025/200/E3B AGE E/M Silchar dated 07-08-2007 issued by the office of the Respondent No. 2.
- 8.2) To direct the Respondents to allot the Applicant Type-IV Quarter which he is entitled to as per his basic monthly salary.
- 8.3) To Pass any other appropriate relief or relieves to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.
- 8.4) To pay the cost of the application.

9) INTERIM ORDER PRAYED FOR:

Pending the final disposal of the Original Application the Applicant prays before this Hon'ble Tribunal for an interim order to direct the Respondents to keep a Type IV Quarter vacant for the Applicant.



- 11 -

10) Application is filed through Advocate.

11) Particulars of I.P.O.:

I.P.O. No. :- 32 G 040217

Date of Issue :- 2-8-2007

Issued from :- Guwahati GPO

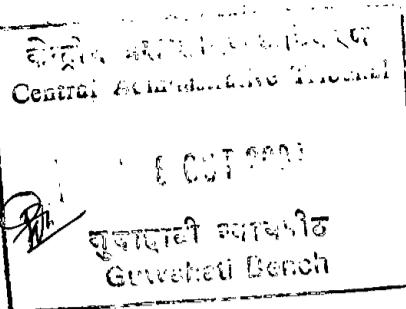
Payable at : Guwahati.

12) LIST OF ENCLOSURES:

As stated above.

Verification . . . . .

Bhaskar Deb Lal



VERIFICATION

I, Shri Bhaskar Deb Lala, MES No 243375 Son of Late Bhupendra Kumar Deb Lala aged about 54 years, Junior Engineer, Office of the Garrison Engineer, Silchar Military Engineer Services PIN-900380 C/o 99 APO do hereby solemnly verify that the statements made in paragraph nos. 4.1 and 4.8 are true to my knowledge, those made in paragraph nos. 4.2 to 4.7 are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 26<sup>th</sup> day of September 2007 at Cuwahati.

Bhaskar Deb Lala

SALARY DEDUCTION

MES No : 243375

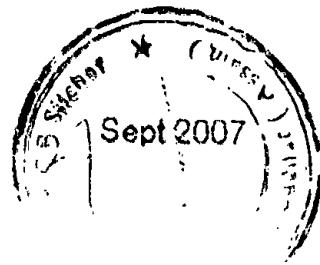
FOR THE MONTH OF September 2007

Name : B.D.Lala

Design : JE E/M

DETAILS OF PAY		DEDUCTION	
Basic Pay	9500.00	GPF Subscription	6000.00
DP	4750.00	GPF Recovery	Nil
DA	4988.00	CGEIS	30.00
HRA	Nil		
SCA	200.00		
TPT	200.00		
SDA	1781.00		
Total	21419.00	Net Deduction	6030.00

Dated



*(J Chakraborty)*  
( J Chakraborty )  
BSO  
For Garrison Engineer Silchar

ATTESTED

*Bhette*  
ADVOCATE

Classification of Residences

[S.R. 317-B-5. Save as otherwise provided by these rules, an officer will be eligible for allotment of a residence of the type shown in the table below—

TABLE

Type of residence	Category of Officer or his monthly emoluments as on such date as may be specified by the Central Government for the purpose of concerned allotment year
I	Less than Rs. 3,050.
II	Less than Rs. 5,500 but not less than Rs. 3,050.
III	Less than Rs. 8,500 but not less than Rs. 5,500.
IV	Less than Rs. 12,000 but not less than Rs. 8,500.
IV Special	Less than Rs. 12,000 but not less than Rs. 10,000.
V-A	Less than Rs. 15,100 but not less than Rs. 12,000.
V-B	Less than Rs. 18,400 but not less than Rs. 15,100.
VI-A	Less than Rs. 22,400 but not less than Rs. 18,400.
VI-B	Less than Rs. 24,500 but not less than Rs. 22,400.

1. Substituted by G.I., Dir. of Estates, Notification No. 12035/1/98-Pl. II, dated the 12th November, 1998, and published in the Gazette of India as G.S.R. 225, dated the 12th November, 1998.

ATTESTED

*Shette*  
ADVOCATE

(Typed Copy)

ANNEXURE- C

To,  
The Garrison Engineer  
Silchar Division.

Allotment of Md. Accommodation

Sir,

I may please be allotted a Md. Accn. preferably  
Kalibari area for easy convinience of my daughter to  
attend her school at KV Silchar.

Thanking you.

Dated 25/7/07

Yours faithfully

Sd/-

(B.D. Lala)

MES/243375

JE E/M

**ATTESTED**

*Ghatala*  
**ADVOCATE**

To - 16 - K.P.D

The Garrison Engineer  
Silchar Division

ANNEXURE-- C

Allotment Of Md. Aeon

Sir,

I may please be allotted a Md Aeon  
preferably Kalibari area for my easy  
convenience of my daughter to attend  
her School at I.C.V Silchar.

Thanking you,

yours faithfully  
(Key)

(B. D. Tala)  
MES/243375  
JE F/m

25/7/07

ATTESTED

Bhatte  
ADVOCATE

Tele Mily: 2597

Office of the G. E. Silchar  
Military Engineer Services  
PIN - 900 380  
C O 99, 170

3025/198 /E3B

01 Aug '07

Shri BD. Lala, JE (E/M)  
AGE E/M Silchar S/Divn

**RETURN OF APPLICATION DT 25/7/07 IN RESPECT OF**  
**MES/243375 SHRI BD LALA, JE (E/M)**

1. An application dated 25.7.2007 received from you, is returned herewith Unactioned please. As no accommodation is available in Kali Bari area. However few Accns vacant in Chitagang Colony. Hence you are requested to forward fresh Application if you are willing to accept the qtr in Chitagang Colony.

(/)/  
10/08/07

C. C. India, 16/7/07  
BSC  
For GIP Silchar

**ATTESTED**

*Shatto*  
**ADVOCATE**

TO:

The Garrison Engineer  
Silchar

(Through AGE, E/M Silchar)

RETURN OF APPLICATION DT 25 JUL 2007 IN RESPECT OF  
MES/243375 SHREBD LALA, JE E/M

Sir,

1. Kindly refer to your letter No 3025/198/13B dt 01 Aug 2007 (copy enclosed for ready ref). As per advice of your letter under ref, I have applied for the qtr at Chittagang Colony which is being allotted to me.
2. Sir, one type IV qtr is lying vacant in Kalibari area. As per Financial Rule, SRO 317-B-5, I am entitled for type IV qtr according to my Basic Pay. I had also availed the entitlement in my previous station.
3. Sir, if any new Policy/Rules comes into force for non-entitlement, I may please be intimated the authority for my record.

Thanking you.

Yours faithfully,



(MES/243375 SHREBD LALA, JE E/M)

Dated : 02 Aug 2007

ATTESTED

  
Advocate

(Typed Copy)

ANNEXURE- F

Office of the GE Silchar  
Military Engineer Services  
PIN-900380  
C/o 99 APO

3025/200/E3B

AGE E/M Silchar

07 Aug 07

FWD OF APPLICATION DT 02/8/07 FOR  
MD ACCN IN RESPECT OF MES/243375  
SHRI B D LALA JE (E/M)

1. Reference your letter No. 123/389/ EI dt. 02 Aug  
2007

2. Contents of Para 2 of the Application dated 2 Aug  
2007 is not agreed to. However, Accn of Kalibari Area  
was constructed for Group 'A' & 'B' MES Civilian MD  
Offrs. Accn. which can not be allotted to other than  
officers Please.

Sd/-  
(Prabhakar Mittal, IDSE)  
EE (SG)  
Garrison Engineer.

**ATTESTED**

*Rhette*  
ADVOCATE

16th July 2007

RECEIVED  
16th July 2007

Office of the G.O. Sidiak  
Military Engineer Services  
PIN - 7900380  
G.O. 99, M.T.O.

07-Aug-07

EWB OF APPLICATION DT 02.8.07 FOR  
MP ACCN IN RESPECT OF MES 243375  
SHRI BD LALJI JE (E/M)

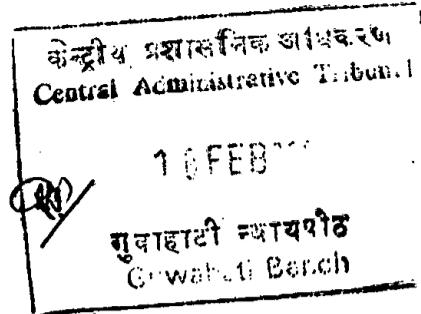
Re. Reference your letter No. 123389 E.I. dt. 02. Aug. 2007.

Copy of EWB of application dated 2 Aug 2007 is not received. The area of Kalibari area was constructed for the project of 176.771483 Billion M.D. Offy. Accn. Which can not be allotted to other than office, s P. use.

(Prabhakar Sidiak, M.E.S.)  
EE (SG)  
Garrison Engineer

ATTESTED

*Shette*  
ADVOCATE



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

Title of the case : OA No 267 of 2007

BETWEEN  
SHRI BHASKAR DEV LALA ..Applicants.  
AND

UNION OF INDIA & ORS .....RESPONDENTS

**WRITTEN STATEMENT SUBMITTED BY THE RESPONDENTS**

**I N D E X**

Sl No.	Particulars	Page No.
1.	Written statement	1-7
2.	Verification	8
3.	Annexure-R1	9,10
4.	Annexure-R2	11

Filed by : *Usha Das*  
Miss Usha Das  
Addl CGSC

Date : 25/1/08

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal

11 FEB 2008

गुवाहाटी बैच  
Guwahati Bench

1

Filed by  
Bhaskar Deb  
Addl. Cuse 32  
25/1108  
the Respondents through  
the

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

OA NO. 207/2007

Shri Bhaskar Deb Lala

...Applicant

-Versus-

Union of India & others

... Respondents

-AND-

IN THE MATTER OF

Written Statement submitted by the Respondent No. 2

WRITTEN STATEMENT:

The humble answering respondents submitted their written statement as follows:

1(a)

That I

am..... Prabhakar..... Mittal son of Sri D.N

..... Mittal..... presently working..... as Executive.....

Engineer (SG), Garrison Engineer School and respondent No. 02..... in the above case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this written statements, the contentions and statements made in the application and authorized to file the written statement on behalf of all the respondents.

(b) The application is filed unjust and unsustainable both facts and in law.

Recd. Copy  
J. Bhattacharya  
25.1.2008

11 FEB 2011

गुवाहाटी न्यायपीठ  
Guwahati Bench

2

(c) That the application is bad for non-joinder of necessary parties and misjoinder of unnecessary parties.

(d) That the application is also hit by the principles of waiver estoppels and acquiescence and liable to be dismissed.

(e) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicants had suffered from vice of illegality.

2) That the respondents would like to give the **Brief History** of the case before traversing various paragraphs of the OA, which may be treated as integral part of the Written Statement.

MES- 243375 Shri Bhaskar Dev Lala (the applicant) originally appointed as Supdt E/M Grade and subsequently promoted as Supdt E/M Grade I, which is Group 'C' post. Further these Supdt E/M II and E/M I redesignated as Junior Engineer (E/M), which is also, a Group 'C' post.

The applicant on his posting to this GE Silchar, applied for Govt. Accommodation "Preferably Kalibari Area" vide his application dated 25.7.2007.

Since no entitled category accommodation was available in "Kalibari Area". The applicant was informed accordingly vide BSO Silchar letter No. 3025/198/E3B dated 01 Aug 2007, with a advice to apply fresh for "Chitangang Colony" area, wherein some Govt. Accommodation were lying vacant, if acceptable by individual with out any reservation.

*C. Prakashan (Din Ha)*

Later individual intimated, that a type IV quarter is lying vacant in "Kalibari Area" and he is entitled for the same as per SRO- 317-B-5.

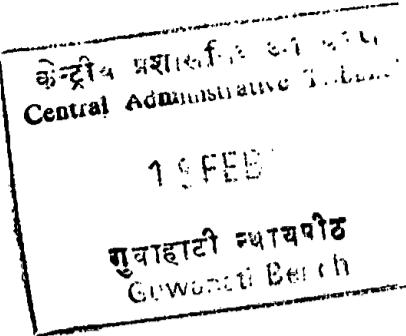
Since the said type IV quarter was constructed for "MES civilian officers" (i.e. Group 'A' & 'B'). Individual was intimated accordingly vide GE Silchar letter No. 3025/200/E3B dated 07 Aug 2007 keeping in view the provision of policy letter issued by E-in-C Branch New Delhi vide letter No. 45870/POL/E2W (PPC) dated 17 March 1999.

Copies of the letter dated 17<sup>th</sup> March 1999 and letter dated 07 Aug 2007 are annexed herewith and marked as Annexure- R1 and R2 respectively.

Though the applicant is entitled for a type IV quarter of general pool accommodation controlled by Director of Estate, wherever such accommodation exist based on his present basic pay, but the type IV accommodation constructed exclusively for "MES civilian officer" cannot allotted to individual in view of existing department policy.

Hence, individual demand and insistence for allotment of Type IV quarter in Masimpur station, which is meant for "MES Civilian Officers" (Group 'A' & 'B'), is neither in order nor justified. Keeping in view the existing provisions/policy on subject as individual is a Group 'C' category employee.

- 3) That with regard to the statement made in paragraphs 1, 2, 3, 4.1, 4.2 of the OA, the respondents beg to offer no comment.
- 4) That with regard to the statement made in paragraphs 4.3 and 4.4 of the OA, the answering respondents beg to submit that the applicant is entitled for type IV married quarter as per his pay scale in general pool accommodation constructed for civilian staff of Central Govt. and controlled by Director of Estates Govt. of India. But no type IV married quarter for civilian staff (of General Category) constructed in Masimpur Military Station. However, 4 Nos type IV married accommodation



4

constructed specifically for "MES civilian officers" of (Group 'A' and 'B'). Hence quarters, cannot be allotted to a Junior Engineer, who falls under Group 'C' in MES, vide Army HQ Engineer-in-Chief Branch letter No. 45870/POL/E2W (PPC) dated 17.3.1999.

- 5) That with regard to the statement made in paragraph 4.5 of the OA, the answering respondents beg to submit that the applicant already allotted a quarter based on his request and is in occupation with out any reservation since its allotment.
- 6) That with regard to the statement made in paragraphs 4.6 and 4.7 of the OA, the answering respondents beg to reiterate and reaffirm the statements made in paragraph 4 above.
- 7) That with regard to the statement made in paragraph 4.8 of the OA, the answering respondents beg to submit that the applicant might have availed the facility of type IV accommodation at his previous station where type IV accommodation might have availed for, form their pool. But in this station the type IV quarters were constructed specifically for MES civilian officers vide 3 Corps letter No. 18134/Q6W dated 09 Oct 1989 (Job No. 3C/Maj/MD-I/89-90) under which the work was originally sanctioned. Since the applicant is presently holding appointment of Junior Engineer E/M, which is subordinate post and do not fall under officers category, as such applicant claim for accommodation constructed for officers at Masimpur is not factually in order, keeping in view the policy letter of E-in-C Br mentioned under letter No. 45870/POL/E2W (PPC) dated 17 March 1999.
- 8) That with regard to the statement made in paragraph 4.9 of the OA, the answering respondents beg to submit that since no entitled category of

Chakraborty (Dated)

accommodation for civilian staff, as per the applicant's pay scale has been constructed on station, as such there is no violation of any provision as alleged by the applicant.

9) That with regard to the statement made in paragraph 4.10 of the OA, the answering respondents state that since all action has been taken after keeping in view the existing policy/provision on such application, allegation are not factually correct.

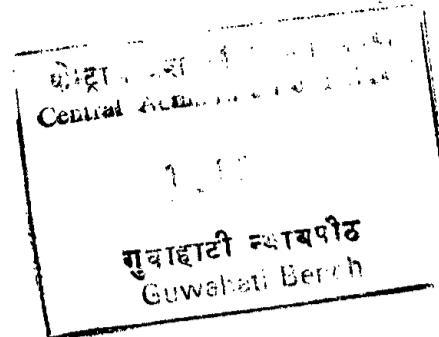
10) That with regard to the statement made in paragraph 4.11 of the OA, the answering respondents while denying the contentions made therein beg to submit that the respondents this office is not aware of any similar situated person enjoying benefit under MES department, hence no further comments can be offered.

11) That with regard to the statement made in paragraphs 4.12 and 4.12 of the OA, the answering respondents beg to submit that in view of the clear policy on subject issued by E-in-C's Branch letter No. 45870/POL/E2W (PPC) dated 17 March 1999, there is no infringement or denial to legitimated requirement of applicant.

12) That with regard to the statement made in paragraph 4.13 of the OA, the answering respondents while denying the contentions made therein beg to submit the applicant has been allotted quarter as per availability, based on his request vide his application dated 02.08.2007 and the same is under occupation of the applicant since 18.8.2007 without any reservation.

13) That with regard to the statement made in paragraph 4.14 of the OA, the answering respondents beg to offer no comment.

(Panchanan Datta)



14) That with regard to the statement made in paragraphs 5.1, 5.2, 5.3 and 5.4 of the OA, the answering respondents while denying the contentions made therein beg to submit that no such intention is behind rejection the application of the applicant. Action taken is seniority as per E-in-C's letter No. 45870/POL/E2W (PPC) dated 17 March 1999. As such it is prayed not to set aside the office rejection order issued vide letter No. 3025/200/E3B dated 07 Aug 2007.

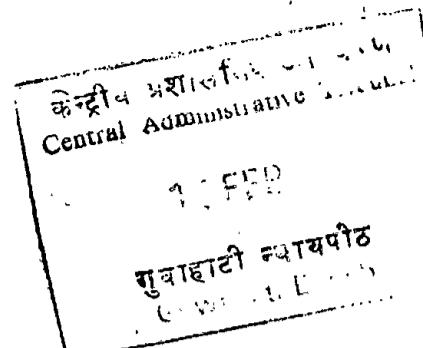
15) That with regard to the statement made in paragraph 5.5 of the OA, the answering respondents while denying the contentions made therein beg to submit that as per knowledge of this office there does not exist any provision wherein any individual has been provided accommodation near by to the school located of his/her wards.

16) That with regard to the statement made in paragraph 5.6 of the OA, the answering respondents while denying the contentions beg to submit that no different treatment has been applied. All action has been taken by department within the existing policy of department i.e. 'MES'.

17) That with regard to the statement made in paragraphs 5.7 and 5.8 of the OA, the answering respondents while denying the contentions made therein beg to submit that no such case exist in station. Hence applicant's demand not tenable as per existing policy on the subject matter.

18) That with regard to the statement made in paragraphs 6 and 7 of the OA, the answering respondents beg to offer no comment.

19) That with regard to the statement made in paragraph 8, 8.1, 8.2, 8.3 and 8.4 of the OA, the answering respondents beg to rely and refer upon the statements made above and further submit that in view of the policy issued by



7

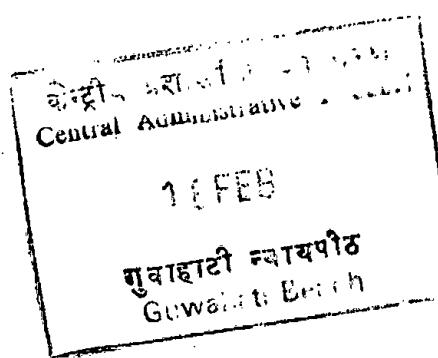
—E-in-C's Branch letter No. 45870/POL/E2W (PPC) dated 17 March 1999, it is prayed that the Hon'ble Tribunal may not be pleased to quash letter No. 3025/200/E3B dated 07 Aug 2007. Since no quarter as per applicant's entitlement (as per his pay scale) considering his official status exists, hence applicant's request could not be entertained. In view of the submission made above the applicant is not entitled to any relief as sought for in the OA hence liable to be dismissed with cost.

20) That with regard to the statement made in paragraph 9 of the OA, the respondents beg to submit that the type IV quarter is specifically constructed for MES civilian officers i.e. Group 'A' and 'B', as such, no such reservation can be made for an individual who is not entitled to such provisions.

21) That considering facts and circumstances of the case and submissions made above, the Hon'ble Tribunal may be pleased to dismiss the OA with cost.

(Prabhakar Mittal)  
EE (SG)  
GB - Silchar

(PRABHAKAR MITTAL, IIM)  
Executive Engineer (SG)  
Garrison Engineer, Silchar.



### VERIFICATION

I ..... Prabhakar Mittal ..... aged .....  
about 41 years at present working as  
Executive Engineer (SG), GARRISON ENGINEER-SILCHAR  
....., who is one of the respondents and taking steps in this case, being  
duly authorized and competent to sign this verification for all respondents,  
do hereby solemnly affirm and state that the statement made in paragraph

1 & 2

are true

to my knowledge and belief, those made in paragraph

3 - 21

being matter of records, are

true to my information derived there from and the rest are my humble  
submission before this Humble Tribunal. I have not suppressed any material  
fact.

And I sign this verification this 14th day of January 2008 at

DEPONENT

(Prabhakar Mittal)

BB (SG)

Garrison Engineer, Silchar

PRABHAKAR MITTAL, IDSE  
Executive Engineer (SG)  
Garrison Engineer, Silchar.

Tele : 3019637

By Dte Gen of Works (PPC)  
Engineer-in-Chief's Branch  
Army Headquarters  
Kashmir House  
DHQ PO New Delhi-110011

45870/POL/E2W (PPC)

### E-in-C's List 'A'

ALLOTMENT OF MARRIED ACCN TO CIVILIAN OFFICERS  
(GROUP 'A' AND 'B') OF MILITARY ENGINEER SERVICES

Reference Govt of India, Ministry of Defence/D(Works) letter Nos :-

(a) 45870/E2 (WPC)/3761/D(W-II) dated 02 Sep 85.  
(b) 45870/E2 (WPC)/5370/D(W-II) dated 05 Sep 88.  
(c) 45870/E2 (WPC)/462/D011/D(W-I) dated 09 Dec 94.

2. Under Ministry of Defence letters quoted above, construction of Married Accn for Group 'A' and 'B' officers of MES was sanctioned. The construction of Md Accn under two phases have already been completed and under phase III construction works are in progress. Specific rules for allotment of accommodation constructed for Group 'A' and 'B' officers has not been laid down. Absence of specific rules in the subject matter has been commented upon in recent judgements given by Central Administrative Tribunals. Henceforth allotment of this accommodation shall be on the basis given in para 3 below.

3. In a particular station, Md Accn constructed specifically for Civilian officers of Group 'A' and 'B' of MES will be formed into a separate pool. The allotment of these quarters will be governed by the provisions contained in SRO-308 and these quarters will be allotted only to Group 'A' and 'B' officers of MES.

(P S PARYANI)  
Chief Engineer  
DDGW(PPC)

Copy to:

### E-in-C's List 'B'

## Internal

E Coord 1

E2 (S&C)

E2 (Army)

E2 (Air)

## E2 (N&DP)

CE Poly file  
A. Copy to KHEC

11

✓  
08/17/99

11

flested  
Elba sar  
sailcuse

### Non-Vehicles

To  
The Garrison Engineer  
Silchar Division

- 10 -

Through AGP E/M

Return of Application dt. 25-7-07 in respect of  
MRS/243375 Shri B.D. Lala, JE E/M

Sir,

Please refer your letter no. 3025/198/E3B dt. 01 Aug '07  
Since no accommodation is available in Kalibari area, I  
may please be allowed the Qtr. in Chittagong Colony.

Thanking you

yours faithfully  
B.D. Lala  
( B.D. Lala )  
MRS/243375  
VE E/M

Attested  
Ashok Das  
Addl. Encl.

- 20 - 11 -

ANNEXURE-- R2 42

1st Aug 2007

Office of the G.E. Officer  
Military Engineer Services  
PIN - 900 380  
C/O 99470

3625 200 638

Central

07 Aug 07

MR. E. M. Sarker

Qualified  
G.W. 100

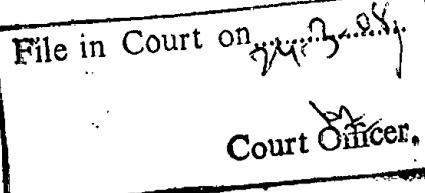
EWB OF APPLICATION DT 02/8/07 FOR  
MANAGN IN RESPECT OF MES/243375  
SHRI BD LALA, JE (E/M)

Reference Application No. 123 389 El d. 62 Aug 2007.

Subject of EWB of application dated 2 Aug 2007 is not  
concerned to Mr. E. M. Sarker. Area of Kaliabari Area was constructed for  
Bihar CCC B.M.S.C. Bihari M.D. Offrs. Acoen. Which can not  
be allotted to other than officers. Please.

(Prabhakar Mittal TSE)  
EE (SG)  
Garrison Engineer

Actual  
Allocation  
Addl. cause



-1-

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

FILED BY

Sri Bhaskar Deb Lala  
Applicant  
Thomu D.J. (Advocate)

IN THE MATTER OF :

O.A. No.267/2007

Sri Bhaskar Deb Lala

.... . Applicant

- Versus -

The Union of India & Others

.... . Respondents

- AND -

IN THE MATTER OF :

Rejoinder filed by the applicant to the Written statement filed by the Respondents.

The humble applicant submits this Rejoinder as follows:

MOST RESPECTFULLY SHEWETH:

1. That with regard to the statement made in paragraph No.1 (a) of the written statement the applicant has not comment to offer.
2. That with regard to the statement made in paragraph Nos. 1 (b), 1 (c), 1 (d) & 1 (a) are not true and same are <sup>not</sup> sustainable in the eye of law.
3. That with regard to the statement made in paragraph no. 2 are not fully true and misleading to this Hon'ble Tribunal. The applicant begs to state that he has applied for Government accommodation preferably in "Kalibari Area" vide his application

Bhaskar Deb Lala

✓

dated 25-07-2007. However, inspite of available accommodation at "Kalibari Area" the Office of the Respondents vide their letter No.3025/198/E3B dated 01-08-2007 advised him to apply fresh for "Chitangang Colony" area. The applicant had intimated the Respondents about the available accommodation of Type-IV Quarter in "Kalibari Area" which is lying vacant and the same is entitled for him as per SRO-317-B-5. But, the Respondents in a flimsy ground rejected the applicant's prayer. It is to be stated that the Government of India Policy regarding allotment of type of quarter to the category of Officer are to be on the basis of their monthly salary vide S.R.317-B-5. The Type-IV Quarters which were constructed for M.E.S. Civilian Officer's Quarter not specified for Group-A or Group-B Officers. One Shri J. Chakraborty, Barrack Store Officer (B.S.O. in short) in Garrison Engineer, Silchar, who is drawing basic pay of Rs.8100/- is accommodated by the Respondents in Type-IV Quarter at "Kalibari Area", although the instant applicant is drawing higher basic pay of Rs.9500/- has been deprived from the accommodation in Type-IV Quarter at "Kalibari Area" by the Respondents. Moreover, if any Quarter is lying vacant since long time then the said Quarter can be allotted to the next lower Quarter occupant if applied for, to avoid loss of Government Revenue. In the instant case the Type-IV Quarter in "Kalibari Area" is lying vacant since April 2007 till date. The following individual who are entitled for Type-II Quarter have been allotted Type-III Quarter w.e.f. 01-08-1995.

1. Shri M. K. Barman Electrician (SK)  
MES No.243821
2. Haroon Rashid FGM (SK)  
MES No.43578

Photocopy of list of occupation of Government Quarter and salary slip of Shri J. Chakraborty, B.S.O., Office of the G.E., Silchar is annexed herewith and marked as ANNEXURE-X.

4. That with regard to the statements made in paragraph no.3 of the written statement the Applicant has no comments to offer.

5. That the statements made in paragraph nos.4 of the written statement is denied by the applicant. According to the notification of S.R. 317-B-5 issued by the Govt. of India in which it is categorically stated that the allotment of Quarters should be on the basis of monthly salaries of the employees and allotment on the basis of Group 'A', 'B', 'C' & 'D' is irrelevant. The monthly salary of the applicant is Rs.9,500/- so he is entitled of Grade-IV Quarters.

6. That the statement made in paragraph no. 5 of the written statement is also denied by the applicant. The applicant is entitled for allotment of Grade-IV Quarter as per Govt. of India policy mention in S.R.317-B-5.

7. That with regard to the statements made in paragraph no.6 of the written statement is denied by the applicant.

8. That with regard to the statements made in paragraph no.7 of the written statements the applicant denied by the applicant and reaffirm the statements made in paragraph 2 of this Rejoinder.

Bhaskar Deb Lala



9. That the statement made in paragraph no. 8 to 12 of the written statement are denied by the applicant as he is entitled for allotment of Grade-IV quarter according to the Govt. notification of S.R. 317-B-5. In which the allotment of the Quarter is based on the monthly salary of the applicant.

10. That with regard to the statement made in paragraph no.13 of the written statement the applicant begs to offer no comment.

11. That with regard to the statements made in paragraph no.14 of the written statement the applicant reaffirm the statement made in paragraph 5.1, 5.2, 5.3 & 5.4 of the Original Application.

12. That the statement made in paragraph no.15 of the written statement is denied by the applicant. The applicant does not applied for the ~~Grade-IV~~ <sup>Type</sup> Quarters at Kalibari area merely on the basis that his daughters school is located nearby but also on the basis of S.R. 317-B-5 of Govt. Notification accordingly to which the applicant is entitled to get the Grade-IV Quarters at Kalibari area.

13. That the statements made in paragraph no.16 & 17 of the written statement the applicant denied the same and reaffirm with his statement made in his original application.

14. That the statement made in paragraph no. 18 of the written applicant has no comment to offer.

15. That the statement made in paragraph no.19 & 20 of the written statement the applicant denied the

contention made therein and also beg for relying upon the statement made above in this Rejoinder.

16. That the statement made in paragraph no. 21 of the written statement is totally denied by the applicant as the instant applicant is entitled to get the relief.

Therefore, the written statement filed by the Respondents is wholly bereft of substance and no credence ought to be given to it. Thus, in view of the abject failure of the Respondents to refute the contentions, averments, questions of law and grounds made by the Applicants in the Original Application filed by the Applicants deserved to be allowed by this Hon'ble Tribunal.

16

VERIFICATION

I, Shri Bhaskar Dev Lala aged about 54 years M.E.S. No.243375 son of late Bhupendra Kumar Dev Lala working as junior engineer office of the Garrison Engineer Silchar M.E.S. Pin-900380 c/o 99 APO do hereby verify that the statement made in paragraphs 1, 4 to 16..... are true to my knowledge and belief, those made in paragraphs.....3..... being matters of records are true to my information derived there from and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on this  
20th day of March, 2008.

Bhaskar Deb Lala  
Declarant

AT  
30/9by  
30/9

## Occupation/occupation Return In Lieu of

IAFW-2170

SI No	Name and Rank of the occupant	1/c no	A/c no	S ov Med	30/9 for lic- ence	Paying Authy	Building No	Loca- tion from 9th	Class to which est/ hence	Alloc- ment per Date of Date occupied	Date of vacat-	Remarks
I	MES 225710 Shri T Chakraborty BSO AE Silchar	-	-	Md	-	CDA gated	P/461/ 12	Kali- bar	TYPE IV off only	String solo in 10/9/03 28/9/03	30-9-03	P/145
	MES 212335 Shri P K Mallik AE AE B/R AE Silchar	-	-	Md	-	do	P/461/ 12	do	do	do	30-9-03	P/141

ATTESTED

To  
WATO BSO  
Silchar  
For info  
and a place

ADVOCATE

20/3/2003  
Office of the BSO  
(MES) PO Arunachal

WATO BSO  
Silchar  
dated in  
30/9/03  
by (Shri T Chakraborty) Silchar

may be given  
to WATO BSO Silchar

30 Sep 2003

S  
2011/12

## OF CIVILIAN OFFICER FOR THE MONTH OF DEC 2007

Item	SLN MISC	IPT	TOTAL	DEDUCTIONS				NET Dedu- ctions	NET Payable	SIGN OF THE INCL
				GPF & GPF REC	CGE IES	MIS	RENT			
100	2391	400	30057	4100	120	290 TA/DA 5000 (T)	1839	11349	18708	
100	2058	400	26146	4000	60	1800 HBA 4000 (T)	785	10645	15501	
100	1939	200	24677	3000	60	17 50 00/-	785	13845	10832	
100	1744	200	22464	3501	6000	-	-	6385	16079	
100	1519	200	19151	5501	60	-	771	7332	11819	
500	9681	1400	122435	26102	360	189 14	4180	49566	72939	

60 Silchar LF Bill No RL/Ch/4X/1/Or/1 dt 12 NOV 2007

I/T-RSTRB-2136 Date 6/9/07

RB Date-15/10/2007, UAB/10/07/07 Date 12/11/07 and AAO BSO Sil letter No AA0/BS/Sil/ LFB/ Yr 3

REGULAR PAY EILL

Ser No	MES NO. NAME & RANK	BASIC PAY	BP	DA	ANSC	SC
01.	MES-438106 SHRI PRABHAKAR MITTAL, EE (SG)	12750	6375	7841		200
02.	MES-183241 SHRI S. SATYANADH AE(CIVL)	10975 PP-175	5438	6750		200
03	MES-233111 DK BASU, AE (E&M)	10500	5250	6458		200
04.	MES-470193 SHRI AK SHUKLA, AE (CIV)	9300	4650	5720		750
05	MES-225718 SHRI J CHAKRABORTY 650	8100	4050	4962		200
	<b>TOTAL</b>	<b>51800</b>	<b>25813</b>	<b>31751</b>		<b>1550</b>

SI No-1,2,3,5 : Recovery of Rent bill for the month of SEP 2007 - vide A.O.

SI No- 01 Recovery of TADA advance of vide CDA Ghy letter No T/ 219/MES

SI No-04 Recovery of Lenses fee vide AAO BSC Sugars letter No U.A.B/10  
2/11/07

ATTESTED

  
ADVOCATE