

70

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

2

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 164/2007

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SECTION OFFICER (Judl.)

*Halita*  
04/10/2017

CENTRAL ADMINISTRATIVE TRIBUNAL  
CLWANI BUILDING

ORDERS SHEET

1. Original Application No. 164/07

2. Misc Petition No. \_\_\_\_\_

3. Contempt Petition No. \_\_\_\_\_

4. Review Application No. \_\_\_\_\_

Applicant(s) Kanak Ch. Boka VS Union of India & Ors

Advocate for the Applicant(s) J. Roy, R.C. Das

Mr. O. Pada .....

Advocate for the Respondant(s) .....

Notes of the Registry	Date	Order of the Tribunal
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27.6.2007

This application is in form  
is filed/C.F. for Rs. 50/-  
deposited vide IPO/BE  
No. 246/684394  
Dated 18.6.07

Judgment delivered in open court,  
kept in separate sheets.  
The O.A. is disposed of at the admi  
ssion stage itself in terms of the order.  
No costs.

By Registrar

*[Signature]*

*[Signature]*

Vice-Chairman

bb

Petitioner's copy for  
issue notices are  
received.

*[Signature]*

Recd. copy of order  
Mubins  
12/07/07  
RA

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No.164 of 2007

DATE OF DECISION:27.6.2007

Sri Kanak Ch. Bora

.....Applicant/s

Shri R.C.Das

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

- Versus -

U.O.I. & Ors

.....Respondent/s

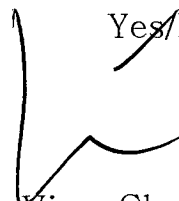
Dr.J.L.Sarkar, Railway Standing Counsel

.....Advocate for the  
Respondents

CORAM

THE HON'BLE MR. K.V. SACHIDANANDAN, 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 to be forwarded for including in the Digest Being compiled at Jodhpur Bench & other Benches ? Yes/No
- 4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

  
Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 164 of 2007.

Date of Order: This the 27<sup>th</sup> day of June, 2007.

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

Sri Kanak Ch. Bora  
Son of Late Dulan Ch. Bora  
R/O Railway Quarter No.226 K/Type-II  
New Guwahati Colony  
Near Kalibari, Bamunimaidam  
Guwahati-21, Kamrup, Assam.

... Applicant.

By Advocates Mr.J.Roy, Mr.R..C.Das, Mr.O.Pada

-Versus-

1. Union of India,  
Represented by the Secretary,  
Railway Board, Ministry of Railway  
New Delhi-110001.
2. General Manager, N, .F. Railway,  
Maligaon, Guwahati-11, Kamrup  
Assam.
3. CAM/GHY (Chief Area Manager)  
N.F.Railway, Guwahati.
4. DPO/GHY (Divisional Personal 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

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ORDER (ORAL)

K.V.SACHIDANANDAN,V.C;

The Applicant is working as Technical/Grade-I under the N.F.Railway, Divisional Office, NGC, Bamunimaidam, Guwahati-21. The Applicant is residing in Railway Quarter bearing No.226 K/Type-II at NGC, Bamunimaidam, Guwahati. The contention of the Applicant is that he is occupying and residing the quarter since 24.04.2001. Vide order dated 10.9.2005 the respondent has issued a direction for cancellation of the allotment order of the Rly. Qrs. allotted in the name of the Applicant. The Applicant has made representation dated 20.09.2005 (Annexure-B) before the Respondent No.5 for revocation of the quarter cancellation order dated 10.09.2005. The Applicant has received a copy of the Memorandum on 09.05.2007(Annexure-C) issued by the Respondent No.4 whereby it was intimated that he is in unauthorized occupation of the quarter since the quarter allotted to him was found subletted and directed for recovery of damaged rent from regular salary bill from the month of May 2007 alongwith the arrear. Being aggrieved the Applicant has filed this O.A. seeking the following main reliefs:-

✓

- “(1) to set aside and quashed the office order dated 10.9.2005 issued by the Respondent No.5 (Senior Coaching Dept. Officer, Guwahati) ANNEXURE- A.
- (2) to set aside and quashed the office memorandum dated 09.05.2007 issued by Divisional Personal officer, Guwahati) ANNEXURE -C.”

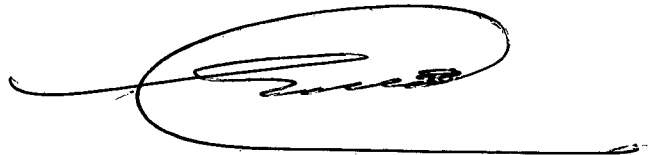
2. I have heard Mr.R.C. Das learned counsel for the Applicant and Dr.J.L.Sarkar learned Railway Standing counsel for the Respondents. When the matter came up for consideration the learned counsel for the Applicant has submitted that no notice was issued to the Applicant at any point of time and no opportunity was given to the Applicant to explain the matter. However, counsel for the Applicant has submitted that he would be satisfied if a direction is given to the Respondents to consider and dispose of the representation dated 20.09.2005 (Annexure B) within a time frame. Counsel for the Respondents has no objection in this regard.

3. Accordingly, in the interest of justice, this Court directs the Respondent No. 5 or any other competent authority shall consider and dispose of the Annexure-B representation dated 20.09.2005 and pass a reasoned order on merit within a

2

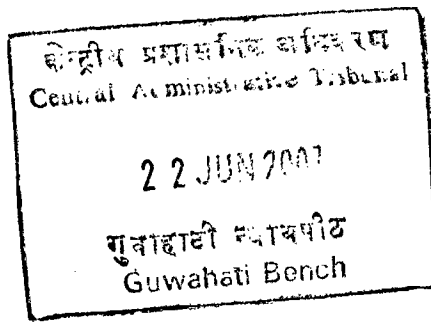
period of three months from the date of receipt of this order. Personal hearing is to be given to the Applicant if requested. In the interest of justice this Court further directs the Respondents that the Office Memorandum dated 09.05.2007 (Annexure C) shall be kept in abeyance till disposal of the representation.

The O.A. is disposed of accordingly. There will be no order as to costs.



(K. V.SACHIDANANDAN)  
VICE-CHAIRMAN

/BB/



DISTRICT: KAMRUP

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GAUHATI BENCH, GUWAHATI**

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

O.A. No. 164 /2007

**SRI KANAK CH. BORA**

.....PETITIONER

-VERSUS-

**THE UNION OF INDIA & ORS.**

.....RESPONDENTS

**SYNOPSIS**

The applicant is an employee under the N.F. Railway, as a post of Technical/Grade-I under SSE/C/1C/GHY, at Divisional Officer, NGC, Bamunimaidan, Guwahati-21. The applicant is residing Railway quarter bearing No.226 K/Type-II at NGC, Bamunimaidan, Guwahati-21, along with family since on 24-04-2001. The gross pay of the applicant is Rs.10,339/-, however after deduction, the applicant receives a net pay of Rs.7,002/- per month. The applicant was shocked to receive a copy of the Memorandum on 09-05-2007 issued by Divisional Personal Officer (Respondent No.4) whereby it was intimated that he is in unauthorized occupation of the quarter since the allotted him has been found subletted and directed for recovery of damaged rent from regular salary bill from the month of May 2007 along with arrear and cancelled the allotment of the applicant and termed the same as unauthorised occupation.

Contd.../-

*Kanak Ch Bora*  
165  
7/07

It is stated that the respondent authorities vide office order dated 10-09-2005 informed the applicant that staff quarter allotted to him and shown in the list as per survey committee's report the same has been handed over to private party in violation of provision of Rule 3.1(III) and 15(A) of Railway Service (conduct) Rules, 1966. Against the said office order, the applicant filed a representation dated 20-09-2005 before the Respondent No.5 (Annexure-III). Stating the actual facts that the quarter was never sublet to any person or individual and required the authorities to enquire the matter again. However, till 09-05-2007 no action was taken to dispose of the representation nor any further committee was made till the receipt of Memorandum on 09-05-2007. As such the instant original application seeking for appropriate relief.

Hence this instant application.

Filed by -

R. C. Sharma

Advocate

Contd.../-

a  
Kanak Ch. Bora

केन्द्रीय प्रशासनिक अपील विभाग  
 Central Administrative Tribunal  
 22 JUN 2007  
 गुवाहाटी ब्याच  
 Guwahati Bench

Kanak ch Borra

DISTRICT: KAMRUP

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
 GAUHATI BENCH, GUWAHATI**

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

O.A. No. 164 /2007

**SRI KANAK CH. BORRA**

.....PETITIONER

- VERSUS -

**THE UNION OF INDIA & ORS.**

.....RESPONDENTS

**LIST OF DATES**

1	10-09-2005	The applicant received the Office Order, which one issued by Respondent No.5. <span style="float: right;">12</span>
2	09-05-2007	Office Memorandum issued by Respondent No.4. <span style="float: right;">13</span>
3	20-09-2005	A representation filed by the applicant to the Respondent No.5. <span style="float: right;">14</span>
4	09-05-2007	Impugned the Railway quarter damaged rent which one calculated by respondent No.4. <span style="float: right;">15</span>
5	30-04-2007 & 30-05-2007	The applicant current pay slip in the month of April-May/2007. <span style="float: right;">16</span>
6	14-06-2007	Similar order vide O.A. No.151/07 (Jogeswar Das - VS - U.O.I & Ors.) passed by this Hon'ble Tribunal <span style="float: right;">17-20</span>

Filed By -

R.C.Dm.

Advocate

Contd.../-

DISTRICT: KAMRUP

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GAUHATI BENCH, GUWAHATI**

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

O.A. No. 164 /2007

**SRI KANAK CH. BORA**

.....APPLICANT

**- VERSUS -**

**THE UNION OF INDIA & ORS.**

.....RESPONDENTS

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4	B	Representation dated 20-09-2005 filed by the applicant before Respondent No.5.	13
5	C	Office Memorandum dated 09-05-2007 issued by (Respondent No.4).	14
6	D	Impugned Quater damage rent calculated by Respondent No.4, dated 09-05-2007.	15
7	E	Current pay slip of service in the month of April, May, 2007.	16
8	F	Similar order vide O.A. No.151/07 (Jogeswar Das - VS - U.O.I. & Ors.) dated 14-06-2007, passed by this Hon'ble Tribunal.	17-20

Filed By -

R.C.Das.  
Advocate

Contd.../-

Kanak ch Bora

DISTRICT: KAMRUP

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GAUHATI BENCH, GUWAHATI**

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

O.A. No. 164 /2007

**I. PARTICULARS OF THE APPLICANT: -**

Sri Kanak Ch. Bora  
Son of Late Dulan Ch. Bora,  
R/O Railway Quarter No.226 K/Type-II,  
New Guwahati Colony, Near Kalibari,  
Bamunimaidam, Guwahati-21, Kamrup, Assam.

**II. PARTICULARS OF RESPONDENTS: -**

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

Filed by the applicant  
Kanak ch Bora  
Through - S.C.S.M. Advocates  
22/6/07



Contd.../-

**III. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE: -**

The application is presented against the impugned office order dated 10-09-2005, issued by Respondent No.5 as (Sr. Coaching Dept. Officer, Guwahati.

- AND -

Impugned Memorandum dated 09-05-2007, issued by Divisional Personal Officer (Respondent No.4).

**IV. JURISDICTION OF THE TRIBUNAL: -**

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

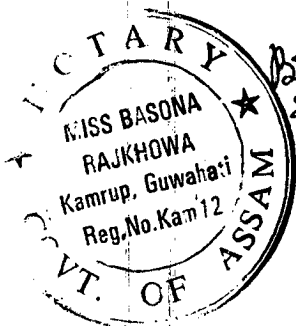
**V. LIMITATION: -**

The application declares that the application is within the period of Limitation under Section 21 of the Administrative Tribunal, 1985.

**VI. FACTS OF THE CASE: -**

1. That the applicant is a Citizen of India and a resident of abovementioned locality, in the district of Kamrup, Assam and as such the applicant is entitled to all rights, privileges and liberties guaranteed to the Citizen under the Part-III of the Constitution of India and laws framed there under.
2. That the applicant is an employee engaged with the Deptt. of N.F. Railway, as a post of Technical/Grade-I under SSE/C/1C/GHY. The applicant is presently posted at Divisional Officer, NGC, Bamunimaidan, Guwahati-21, and as such he is

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Kanak Ch. Borah

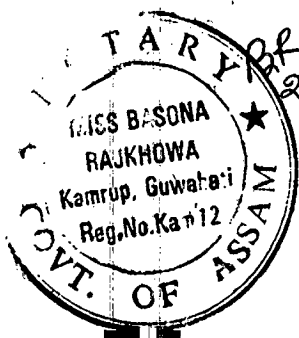
residing in the official allotted Railway quarter, located at New Guwahati Railway Colony. Since the date w.e.f. 24-04-2001.

- 3. That it is stated that before issue of Memorandum dated 09-05-2007 the respondent No.5, issued office order No.GHY/CDO/GEN/Qrs/C & W dated 10-09-2005 under Rule 3.1(III) and 15 A of Railway Service (Conduct) Rule 1966, thereby issuing a direction for cancellation of the allotment order of the Rly. Qrs. allotted in the name of the applicant and other similarly situated persons and further for handover / re-allotment of the same to the next allottee. However, in the order dated 10-09-2005 no specific mention was made as to the name and designation of the next allottee.

A copy of the office order No.GHY/CDO/GEN/Qrs/C & W dated 10-09-2005 issued by the Respondent No.5 is annexed and herewith marked as ANNEXURE - A.

- 4. That your humble applicant immediately thereafter in response to the office order dated 10-09-2005, furnished a representation before the Respondent No.5 for revocation of the quarter cancellation order dated 10-09-2005. Further a request was also made to conduct an enquiry as to the veracity of the survey committee report, whereupon, it was alleged that quarter allotted in the name of the applicant was subletted. The said representation was duly received by the Respondent No.5 under office seal on 20-09-2005.

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*Kannak ch Bostha*

A photocopy of the representation furnished by the applicant to the Respondent No.5, is annexed and marked as ANNEXURE - B.

5. That it is stated that on 09-05-2007 to the utter surprise of the applicant, your applicant received a copy of the official memorandum bearing No.E/APO/I/Survey of Qrs./GHY, issued by Respondent No.4 with the approval of Respondent No.3, whereby a direction was issued for recovery of the Qrs. Damage rent at the prescribed rate to be fixed by the Rly. Board from the regular Salary Bill of the petitioner w.e.f. May, 2007. In this connection it is stated that the said memorandum was issued alleging inter-alia that during survey of quarter by the Survey Committee constituted by the administration, some quarters including that of the petitioner as shown in the attached statement enclosed in the memorandum dated 09-05-2007 were found subletted and as such the allotment order of the quarter which stood in the name of the applicant and other similarly situated persons were cancelled by the allotting authority.

A photocopy of the office memorandum No.E/APO/1/Survey of Qrs/GHY dated 09-05-2007 issued by Respondent No.4 is annexed herewith and marked as ANNEXURE - C.

6. That the applicant has allotted N.F. railway Quater vide bearing No.609()/Type-I at NGC, Bamunimaidan,

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Kamrup cl-Boston

Guwahati-21. The applicant has been residing the same quarter since dated 04-02-1996 from the date of allotment till today.

7. That the applicant states that the total damaged rent has been calculated at Rs.1,71,015/- which has been proposed to recover from the applicant from the month of May, 2007.

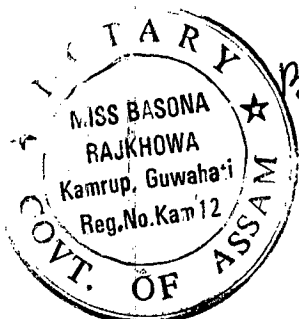
A copy of the office calculated quarter damaged rent is annexed herewith and marked as ANNEXURE - D.

8. That the applicant submits that the petitioner is a bonafide service holder engaged with the Deptt. Of Railway, N.F. section in the post of Technical-I / carpenter, it is stated that the Gross pay of the applicant is Rs.10,339/- after, other deduction the applicant receives a net pay of Rs.7,002/- per month. The applicant craves leave of this Hon'ble Court to produce copies of the pay slip of the applicant in support of the statements made in the instant paragraph at the time of hearing of the instant case for a fair adjudication of the instant matter.

A copy of the current pay slip is annexed herewith and marked as ANNEXURE - E.

9. That your applicant humbly averment that the applicant is praying to the Hon'ble Tribunal. Whereas I never renders as sublated my quarter to any private person or individual and as such the

Contd.../-



Konok ch Borzai

Konok Ch Bostea

respondents authorities should not imposed any penalty due to damage of Railway Quarter without any previous notice, as per the Supreme Court verdict.

Hence it is pertaining to state that this Hon'ble Tribunal already passed the similar case vide O.A. No.151/07 (Jogeswar Das - VS - U.O.I. & Ors.) dated 14-06-2007.

A photocopy of similar order vide O.A. No.151/07 (Jogeswar Das - VS - U.O.I. & Ors.) dated 14-06-2007, passed by this Hon'ble Tribunal herewith annexed and marked as ANNEXURE - F.

10. That the applicant respectfully states that he has been residing in railway allotted quarter since the date of his allotment i.e. w.e.f. 24-04-2001 to till date. The applicant states that on the day of survey, the applicant was discharging his official obligation, whereas his mother, wife and children was away in the Fancy Market due to family shopping, so no member left in the applicant said railway quarter, whereas the applicant was duty in harness, so the applicant said railway quarter was locked at that point of time. When the survey committee's or respondent authorities was visit the said railway quarter, which resulted the instant impugned action on the part of the railway authorities. As such the Survey Committee in a most mechanical manner and with a total non application of mind, submitted their report so far the

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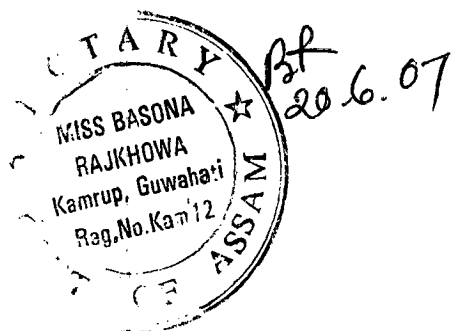
20.6.07

applicant is concerned that the quarter in question was subletted without even considering it proper to enquire about the actual facts from the petitioner, or from neighbour by waiting them or by calling them. The survey committee should asked to the neighbour people of railway quarter, why the quarter was locked. So the survey committee was submitted wrong information to the respondent authorities or railway department.

11. That it is respectfully submitted that the petitioner is residing in the quarter with mother, wife and 2 children who an school going and as such, if the impugned action is given into effect, then great prejudice will be caused to the petitioner.

VII. GROUND FOR RELIEF WITH LEGAL PROVISION: -

1. For that the office order No.GHY/CDO/GEN/Qrs/C & W dated 10-09-2005 issued by Respondent No.5 (Senior Coaching Dept. Officer) Guwahati and the Office Memorandum No.E/APO/1/Survey of Qrs/GHY dated 09-05-2007 issued by Respondent No.4 (Divisional personal Officer) N.F. Railway, Guwahati, is violative of the natural justice.
2. For that the applicant states that the impugned office order / memorandum passed by the authorities is violative of applicants fundamental right as envisaged under Article 14 and 19 of the Constitution of India.



Contd.../-

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Korok ch Botta

3. For that the applicant states that after filing of representation dated 20-09-2005 the applicant was under bonafide belief that the respondent authorities will consider his case and will pass appropriate orders. However he was shocked and surprised to received memorandum dated 09-05-2007, in this regard it is stated that inspite of representation and request the applicant was not informed as to whether any action was taken until he received memorandum dated 09-05-2007.
4. For that the entire action of the respondents being violative of the equity and administrative fair-play of the applicant.
5. For that the impugned action of the respondents in issuing memorandum dated 09-05-2007 and office order dated 10-09-2005 without following the proper procedure is arbitrary and unjustified. Therefore, the impugned action of the respondent authority is liable to be interfered with under its original application.
6. That under the facts and circumstances as have been narrated above, Your Petitioner has a strong prima facie case in his favour. Further, the petitioner shall suffer irreparable loss and injury if reasonable opportunity is not given to the applicant to place his case. Therefore, it is a fit case wherein this Hon'ble Tribunal may be pleased to issue appropriate interim directions to protect the interest of the applicant thereby setting aside the order dated 10-09-2005, 09-05-2007. (Annexure - A & C) respectively.

KONAK ch Bona



20.6.07

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7. For that the applicant craves leaves to urge such further grounds in support of the present applicant at the time of hearing which may be considered relevant and necessary.
8. For that in any view of the matter, the impugned order is wholly untenable in law as well as on facts and the same is as such liable to be appropriately interfered with by this Hon'ble Tribunal.

**VIII. DETAILS OF THE REMEDIES EXHAUSTED: -**

The applicant declares that he has exhausted all the remedies available to him and there is no other alternative remedy available to him.

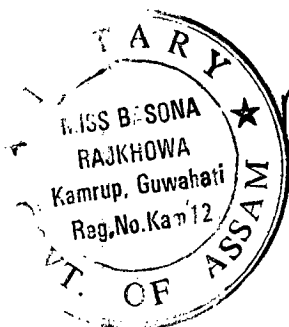
**IX. MATTER NOT PENDING WITH ANY OTHER COURT: -**

The applicant declares that there is no case pending before any other Court / Tribunal.

**X. RELIEF SOUGHT: -**

Under the circumstances, the applicant therefore prays for the following reliefs: -

- (1) to set aside and quashed the office order dated 10-09-2005 issued by the Respondent No.5 (Senior Coaching Dept. Officer, Guwahati) ANNEXURE - A.
- (2) to set aside and quashed the office memorandum dated 09-05-2007 issued by Divisional Personal Officer, Guwahati) ANNEXURE - C.



Contd.../-

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Korak ch Bora

(3) pass any such order/orders as may deemed fit and proper.

XI. INTERIM ORDER PRAYER FOR: -

There is no interim prayer of the applicant.

XII. PARTICULARS OF THE POSTAL ORDER: -

Indian Postal Order No.:

Date :

Issuing Office :

Payable at :

XIII. LIST OF ENCLOSURES: -

As index showing the particulars of documents is enclosed.

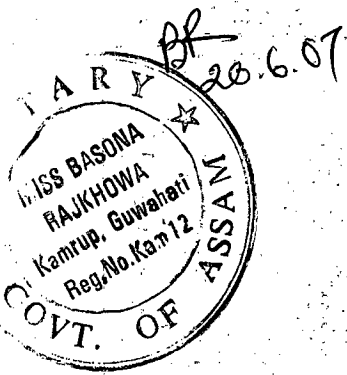
*Konak ch Bora*



VERIFICATION

I, Sri Kanak Ch. Boro Son of Late Dulan Ch. Boro, aged about 49 years, R/O Railway Quarter No.226 K/Type-II, New Guwahati Colony, Near Kalibari, Bamunimaidam, Guwahati-21, Kamrup, Assam, do hereby solemnly affirm and my knowledge and belief I verify the above statement made there of and sign it at Guwahati.

Verified on 22<sup>nd</sup> day of June' 2007 at Guwahati.



Kanak ch Boro

SIGNATURE

Kanak ch Boro 22

Contd.../-



M. F. RAILWAY

Office of the  
Sr. Coaching Depot Officer  
Guwahati

OFFICE ORDER

The following Railway Qrs. were allotted to the staff concerned as shown in the list, but as per survey committee's report instead of residing in the allotted Qrs. they have submitted their Qrs. to private party which is violation of provision of Rule 3.1 (ii) and 15 A of Railway service (Conduct) rule 1968.

Hence the allotment of the following Qrs. are cancelled herewith and staff concerned are advised to handover their Qrs. to the next allottee. New allotment order of the Qrs. to be followed.

Sl. No.	Name of the Staff	Designation	Working Under	Qrs. No. & Type	Location
1	Shri Kanak Ch. Bora	Tech/Gr-I	SSE/C/O/C/CHY	226-K, Type-II	NGC
2	Shri Akhil Ch. Erima	Paint/Gr-I	SSE/C/O/C/CHY	122-C, Type-II	NCC
3	Shri Kundu Shing Das	Tech/Gr-I	SSE/C/O/C/CHY	127-K, Type-II	NGC
4	Shri Budhwar Konwar	Tech/Gr-I	SSE/C/O/C/CHY	127-L, Type-II	NCC
5	Shri M. Tata Rao	S/Cleaner	SSE/C/O/C/CHY	702-E, Type-I	NGC
6	Shri Ahmed Ali	Tech/Gr-II	SSE/C/O/C/CHY	702-F, Type-I	NGC
7	Shri Narayan Tati	Tech/Gr-I	SSE/C/O/C/CHY	702-G, Type-I	NGC
8	Shri Pardip Choudhury	Comp. Gr-III	SSE/C/O/C/CHY	603-F, Type-I	NGC
9	Shri Jogeswar Das	MCM	SSE/C/O/C/CHY	SSE-140-A, Type-II	Trilateral Sector
10	Shri Lalchand Kahar	B/Smith/Gr.	SSE/C/O/C/CHY	706-J, Type-I	PNO NGC

Sr. CDO/CHY

Dated-10.09.05

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

Copy forwarded for information and necessary action to

1. CA/CHY
2. LHM (S/M)C
3. APO/CHY
4. SSE/C/O/C/CHY
5. SSE/Works/NGC
6. SSE/Works/East & West/PNO
7. SSE/Electrical/NGC, PNO
8. Staff concern.

*[Handwritten Signature]*  
S. CDO/CHY

*[Handwritten Signature]*

To, The Sr. CDO / GHY.  
N.F. Railway.

Date: 20-09-2005

Sub: Prayer for duly enquiry of Sub-Letting Quarters.

Ref: Officer Order No. GHY/CDO/GEN/QRS/CRW  
Dated: 10-09-2005.

Sir,

With reference to the above-sited subject that I Sri Kanak Ch. Boro, Son of Late Dulan Ch. Boro, residence of Rly. Qr. No.226 E, Type-II in the jurisdiction of New Guwahati Colony, Guwahati-21, Baumminaidam, Kalibari, Kamrup, Assam. Beg to states that I have been staying the above mentioned Rly. Qr. since from the date of joining service as a post of Tech/Gr - I. So I have been residing with my all family members as a employee of N.F. Railway since inter-alia till today.

The survey committee had imposed inadvertently wrong information to the railway department on accounts of sub-letting the Rly. Qr. So the concerned authority should not cancellation the said my allotted Rly. Qr., otherwise it will be prejudice.

Hence I request to you that you will kindly not to cancellation my quarter without any proper enquiry due to sub-letting. I hope you will do at your earliest convenience and thus oblige.

Thanking you,

*Amdu*  
*for 20/09/05*

*Kanak ch Boro*

Dated: 20-09-2005

Sri Kanak Ch. Boro,

Tech/Gr.1/Ghy

N.F. Railway, Qr. No.226 K / Type-II  
New Guwahati Colony, Baumminaidam.

*Recd -*  
*20/09/05*  
*[Signature]*

*[Signature]*

N.E. Railway

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

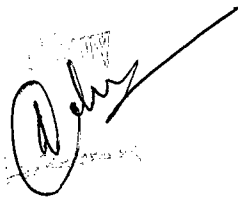
Dated: 9/15/2007

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,

Sri Katak Ch - Bora

  
DPO/GHY



15-

ANNEXURE-D

25.	Sri Kanak Ch Borga	Tech/I	457	226K/type-II	NGC	09-08-05	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
26.	Sri Akhil Ch Brahma,	Painter/I	457	122G/type-II	NGC	09-08-05	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
27.	Sri Kundu Singh Das,	Tech/I	457	127K/type-II	NGC	08-08-05	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
28.	Sri Budheswar Konwar,	-do-	457	127L/type-II	NGC	08-08-05	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
29.	Md.Ahmed Ali,	Tech/II	457	702N/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
30.	Sri Narayan Tati,	Tech/I	457	706G/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
31.	Sri Pradip Choudhury,	CPTR/III	457	609F/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
32.	Sri Jogeswar Das,	MCM	457	S&C/40A	Triangular Colony/PNO	10-08-05	62.67Sqm	1-08-05 to 30-11-05 @ Rs.86 PSqm= 26948.00 1-12-05 to 30-04-07 @ Rs.99 Psqm= 155108.00 182056.00
33.	Sri Lalchand Kahar,	B/Smith	457	706J/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

Original Copy

*[Handwritten Signature]*

DPO/GHY

*[Handwritten Signature]*

IT Centre/LMG \*Pay-in-Slip\* Mar-2007/Apr-2007 GU:30014 BU:44457 Duty: 31 LWP: 0 Stn:PND EN- 388  
 Bank :00090-Canara Bank,Chariali/Maligaon A/C No.:002656

Allocn:06211		PAY ALLOWANCES		---DRs		RLY_RECOVERIES		---DRs		B_I		NRB_RECOVERIES		---DRs		B_I	
Bank	BRABAY CH 339A	Basic Pay	*	5125	PF-Subsc.	*	641	P. Tax	*	125							
Branch	Dulan Ch Dora	D.P.	*	2563	CCIS-C	*	30	LIC/MLC	*	611							
Acct No	104102624	D.A.	*	2200	Rent-Nominal	*	115	COOP FUNDU	*	1029	5						
Branch	10CH/1	SCA	*	120	Water Charge	*	15	CCSSha	*	65							
Accumulated LAP	296	Transport/G	*	75	Arr Electric	*	553										
LHAP	11	NDA	*	226	Durga. FA	*	150										

Scale:GASLO-07000, R/Pay:5125 Gross Pay Rs.10339 Deductn. Rs.3337 NETPAY Rs.7002.00  
 Next Increment :C1-Sep-2007 Retd. Dt.:31-Dec-2011 Bank Payment

*(Handwritten Signature)*  
 [Signature]

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 151 of 2007.

Date of Order: This, the 14th day of June, 2007.

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

Sri Jogeswar Das  
Son of Late Bogadhar Das  
No.SNC/40A at Tringular Collony/PNO  
Pandur, Guwahati-12  
Kamrup, Assam.

...Applicant.

By Advocates S/Shri J.Roy, R.C.Das & O. Pada.

- Versus -

1. The Union of India represented by the  
Secretary, Railway Board  
Ministry of Railway  
New Delhi-110001.



The General Manager  
N.F.Railway, Maligaon  
Guwahati-11  
Kamrup, Assam.

3. CAM/GHY (Chief Area Manager)  
N.F.Railway, Guwahati.
4. DPO/GHY (Divisional Personal Officer)  
N.F.Railway, Guwahati.
5. Senior Coaching Depot Officer/GHY  
N.F.Railway, Guwahati.

... Respondents.

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

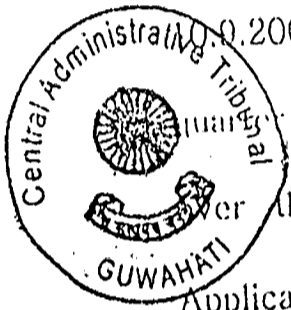
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ORDER (ORAL)SACHIDANANDAN, K.V., (V.C.):

The Applicant is presently working as MCM under N.F.Railway and is posted under Divisional Officer, Trangular Colony, Pandu. He is residing in the Railway quarter bearing No.140(A), Type-II along with his family since 5.12.2000. His gross pay is Rs.15,573/- and after deduction he is drawing Rs.10,048/- per month. Vide Annexure-A order dated

0.9.2005 his allotment was cancelled alleging that the said quarter was subletted to third party and he was advised to hand over the said quarter to the next allottee against which Applicant submitted representation dated 17.9.2005-(Annexure-

B) before the fifth Respondent stating that he never subletted the quarter to any third party and requested the authority to enquire the matter fresh. However, his representation is not disposed of nor further committee was made to enquire the matter afresh. But much to his surprise, the impugned memorandum has been issued by the Respondent No.4 declaring the Applicant as unauthorized occupant and directed to recover damage rent at the prescribed rate from the regular salary of the Applicant w.e.f. May, 2007 along with arrears



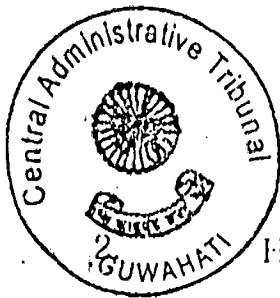
- 19 -

B

without issuing any prior notice to the Applicant. Aggrieved by the action of the Respondents he has filed this O.A. seeking the following main reliefs:-

"(1) to set aside and quash the office order dated 10-09-2005 issued by the Respondent No.5 (Senior Coaching Dept. Officer, Guwahati) ANNEXURE-A.

(2) to set aside and quash the office memorandum dated 09-05-2007 issued by Divisional Personal Officer, Guwahati ANNEXURE-C."



Heard Mr.J.Roy, learned counsel for the Applicant and Dr.J.L.Sarkar, learned Standing counsel for the Railways.

When the matter came up for consideration, learned counsel for the Applicant submitted that the impugned orders have been passed by the Respondents in total violation of principle of natural justice. He further submitted that neither any notice was issued to him at any point of time nor an opportunity was given to him to explain his case. His representation dated 17.09.2005 also has not been attended to. Therefore, the impugned orders are not in conformity with the Railway Rules. However, he submitted that he would be satisfied if a direction is given to the Respondents to consider and dispose of his representation (Annexure-B) within a time frame. Dr.J.L.Sarkar submits that

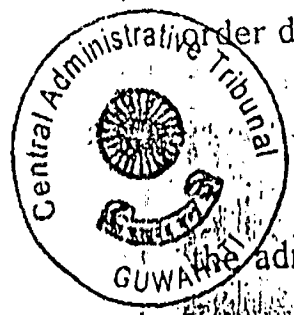
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Respondents have no objection in adopting such course of action.

3. Accordingly, in the interest of justice, this Court directs the Respondent No.5 or any other competent authority shall consider and dispose of this Annexure-B representation dated 17.09.2005 giving an opportunity to the Applicant to explain his case and pass appropriate orders on merit communicating the same to the Applicant within a period of three months time from today. If requested, Applicant shall be given a personal hearing. However, till disposal of the representation, Respondents are directed to keep the impugned

order dated 09.05.2007 (Annexure-C) in abeyance.



The Original Application is disposed of as above at admission stage itself. There shall, however, be no order as to costs.

SA/ VICE CHAIRMAN

/BB/

Date of Application : 15.6.07  
Date on which copy is ready : 15.6.07  
Date on which copy is delivered : 15.6.07  
Certified to be true copy

*[Signature]*  
Section Officer (Jr. dl)  
C. A. T. Guwahati Bench  
Guwahati-5.

15/6/07