

CENTRAL ADMINISTRATIVE TRIBUNAL

26 - 11/8/15
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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B. S. 15/8/15
SECTION OFFICER (JUDL.)

10.8.2015

841-9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

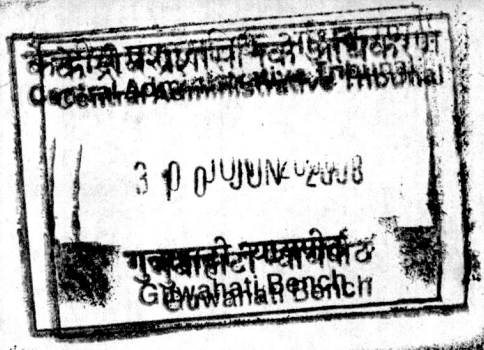
1. Original Application No. 116/2008
2. Miscellaneous Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(S).....Sri Bhabu Roy.....VS-Union Of India & Ors

Advocate for the Applicant(S):Mr. Joy Das

Advocate for the Respondant(S):Dr. J. L. Sarkar, Rly. S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/ Rs 50/- deposited A.C. PC/BD No. 326. 396. 344655 Dated 30.6.2008</p> <p><u>Registrar</u> <u>my</u></p> <p>Requisite and Envelopes has been been submitted and extra copy fee Rs:- 5/- only Deposited.</p> <p><u>18.7.08</u> Copy of the order alongwith copy of the application send to the Respondent and copy of the order to the applicant as well as to the A/Adv for the parties.</p>	<p>02.07.2008</p> <p><u>01.07.08</u></p>	<p>Heard Mr. Joy Das, learned counsel appearing for the Applicant.</p> <p>Instead of placing the case for Admission, the Applicant has filed a memo seeking permission to withdraw the case.</p> <p>In the aforesaid premises, this case stands dismissed being withdrawn.</p> <p>Send copies of this order to the Applicant and to the Respondents (along with copies of the O.A) and free copies of this order be supplied to Mr. Joy Das, learned counsel appearing for the Applicant and to Dr. J. L. Sarkar, learned counsel for the Railways, to whom a copy of this O.A. has already been supplied.</p> <p><u>(R.C. Panda)</u> Member(A)</p> <p><u>(M.R. Mohanty)</u> Vice-Chairman</p>



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH : GAUHATI

ORIGINAL APPLICATION NO. 116 OF 2008

Sri Bhulu Roy

... Applicant

-VS-

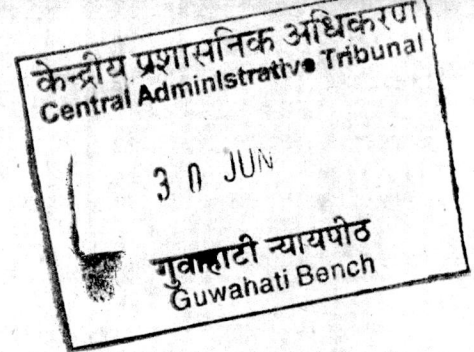
Union of India

.... Respondent.

SYNOPSIS

That the applicant is serving under the N.F. Railway, Lumding since 1994 as T T E and since his joining at Lumding Junction, he is discharging his duties with utmost sincerity and unblamishly with full satisfaction of his superior authorities. Thereafter on 28/12/2004 the instant applicant was transferred from Lumding Junction to Badarpur Railway office and in compliance with the transfer order dated 28/12/2004 he joined at Badarpur Railway office on 8/1/2005, discharge his duties as TTE . It is important to mention herethat vide a decree of divorce dated 4/8/2004 passed Addl. District Judge's Court of Karimganj, The instant applicant was living separately with his wife i.e. Smti. Putul Rani Roy at two different places . The applicant is living at Badarpur Railway office and his wife is staying at Lumding in her parent's house. That thereafter the present applicant submitted a representation dated 25/08/2005 and 31/12/2006 to the concerned respondent, stating that the applicant is willing to vacate the quarter No. 673(A) at DTS Hill Colony at Lumding as because he was transfer from

Bhulu Roy.



Lumding to Badarpur and respondent authorities may take appropriate and necessary steps to vacate the said quarter.

But in the mean time the applicant was again transferred from Badarpur to Lumding vide order dated 27/3/2007 and against the said order the applicant approach this Hon'ble C A T , Guwahati by filing a Original application which was registered as O.A. No.307/07 and on 18/12/07 after hearing the parties this Hon'ble Tribunal pleased to disposed of the above mention original application with direction to respondent authorities to consider the case of the petitioner. And in compliance with the directions of the Hon'ble Tribunal's Order, the respondent authorities directed the applicant to join at Guwahati instead of Lumding. After joining the post of T T E at Guwahati on 18/4/2008, the present applicant submitted another ~~representation~~ to the respondent authorities to vacate the quarter No. 673(A) DTA Hill Colony at Lumding. But the respondent authorities has not consider any of the representations of the applicant till today.

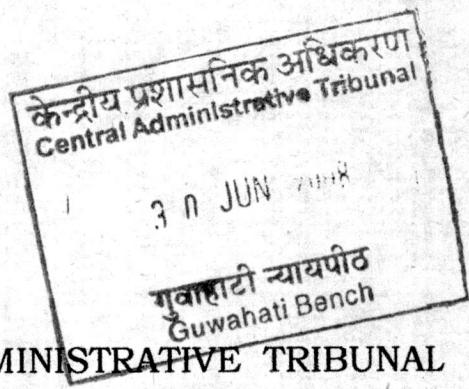
It is important to mention here that the respondent authorities one land ducting the damage rent of Rs.4730 from my salary and also ducting nominal house rent of Rs. 472 from the same salary and as because the present applicant now getting net pay of Rs.195 per month. Under such circumstances the present applicant filed this original application before your Lordship.

Filed by

Jaydeep

Advocate.

Shri. Ray.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH : GAUHATI

ORIGINAL APPLICATION NO. 116 OF 2008

Sri Bhulu Roy

... Applicant

-VS-

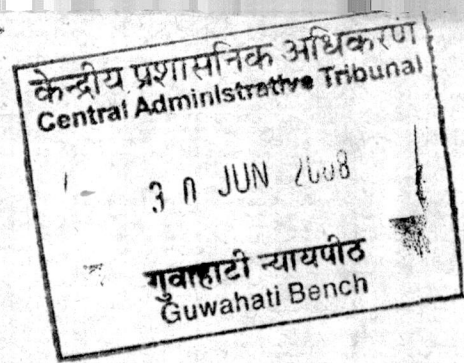
Union of India

.... Respondent.

LIST OF DATE

<u>Sl.No.</u>	<u>Particulars</u>	<u>Date</u>	<u>Annexure</u>	<u>Pages</u>
1.	Representation	28/8/05	1	- 16-19
2.	Copy of Joining Report	6/1/05	2	- 20
3.	Copy of Judgment and Order passed in O.A.307 by CAT/ GHY.	18/12/05	3	- 21-23
4.	Copy of compliance Report.	3/3/08	4	- 24
5.	Copy of Joining Report	18/4/08	5	- 25
6.	Representation	16/5/08	6	- 26-28
7.	Copy of Pay-slip.	May/2008	7	- 29

04/08/07 - Divorce
28/12/04 - Transfer Order
08/01/05 - Joined at new An.
08/10/05 - Decree for restitution of conjugal life
27-25/08/05 - Representation (P/17/18/19)
31/12/06 - Representation (A/2)
22/27/03/07 - Transfer order
13/02/07 - Representation
18/12/07 - OA 307/07 dopted (A/3)
29/02/08 - Transfer order modified
03/03/08 - Disposal of report (A/4)
18/04/08 - Joined at Guwahati
16/05/08 - Divorce?
4/8/7 - Filed by
Advocate.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH : GAUHATI

ORIGINAL APPLICATION NO. 116 OF 2008

Sri Bhulu Roy

... Applicant

-VS-

Union of India

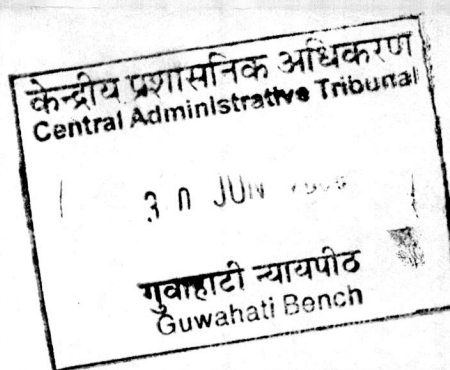
.... Respondent.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page Nos.</u>
1.	-	1-14
2.	Affidavit	15
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Filed by

Advocate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH : AT GUWAHATI.

(An Application U/s. 19 of the Administrative Tribunal
Act, 1985)

Original Application No. 116 /2008

Filed by the
applicant through
Type Des
Associate
Sri 30/6/08
Bhulu Roy.

Sri Bhulu Roy

S/o. Late Nipu Ranjan Roy

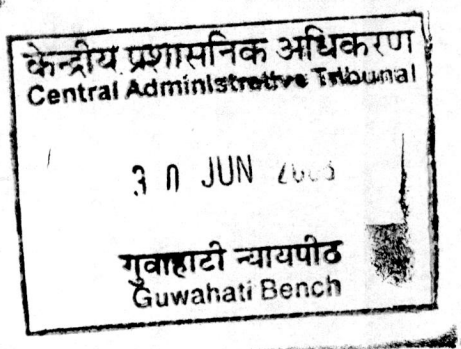
TTE, N. F. Railway,

Badarpur.

.... Applicant.

-VS-

1. Union of India, represented by
The General Manager,
N.F. Railway, Maligaon,
Guwahati-781011.
2. Chief Personnel Officer,
N.F. Railway, Maligaon,
Guwahati- 781011.
3. The Divisional Railway Manager,
N.F. Railway, Lumding
Dist. - Nagaon, Assam,
PIN- 782447.
4. Area Manager,
N. F. Railway, Badarpur,
PIN- 78806.
5. Divisional Personnel Officer,
N. F. Railway, Lumding
PIN - 78806



6. The Senior Section Engineer,
North/Coverys, Lumding
PIN - 782447.

.... Respondents/ Opposite Parties.

DETAILS OF APPLICATION:

1. Particulars against which the Application is made :

Non- consideration of the application/ representation dated 25/08/2005, 31/12/2006 and 16/5/2008 (Annexure-1^{and 6.} (Seris)). The Divisional Railway Manager (P), N.F. Railway, Lumding's Office Order No. ES/17-B(T) dated 3/3/2008 (Annexed as Annexure - 4)

2. Jurisdiction :

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

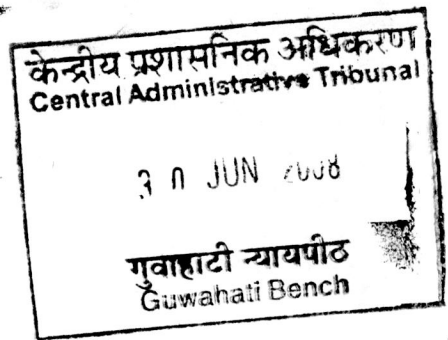
3. Limitation:

The Applicant submits that the Application has been filed within the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the Case :

4.1 That the Applicant being a citizen of India entitled to get of his legal, fundamental and statutory rights.

Shule Ray.



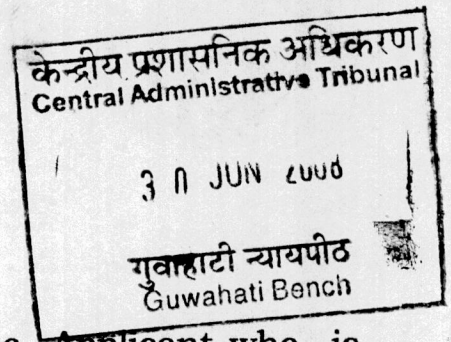
4.2 That right since the inception in the Railway service the Applicant has been discharging his duties with the entire satisfaction of his superiors.

4.3 That on 28.12.04 the Applicant was transferred from Lumding to Badarpur and resumed his duties on 8.1.05 and since then he has been discharging his duties there.

4.4 That the wife of the Applicant Smti. Putul Rani Roy is a resident of Lumding prior to his marriage with her and his in-laws also remain there who are very much influential and powerful to get the administrative order moulded according to their suit will and it is because of their high-handedness the applicant's further transfer was made from Badarpur to Lumding only within the span of 2 years and the wife of the applicant has not the least violation of her leaving Lumding and living with her husband and children at Badarpur.

4.5 That because of his family troubles for the adamant and arrogant nature of his wife and his in-laws the Applicant is being mentally and physically tortured by them and for which reasons the pursuit of the little children's studies and other things necessary for their all round growth are seriously hampered as they have to live the applicant without the care, love and affection of their mother who has no consideration for their well-being. The condition of such pathetic life the Applicant has been enduring right after his marriage when the above named woman Smti. Putul Rani Roy can not spare to share

Putul Rani Roy



the pains and troubles along with the Applicant who is living at Badarpur with his tow little children.

4.6 That thereafter the present applicant submitted a representation to the respondent authority stating that as because he was posted at Badarpur on 28.12.04 and joined at Badarpur on 8.1.05 in a service and since is date of his transfer his wife illegally occupied his quarter No. 673 (A) D.T.C. Hill Colony Lumding and as such authority concerned may take appropriate and necessary steps to vacate the said quarter No. 673 (A).

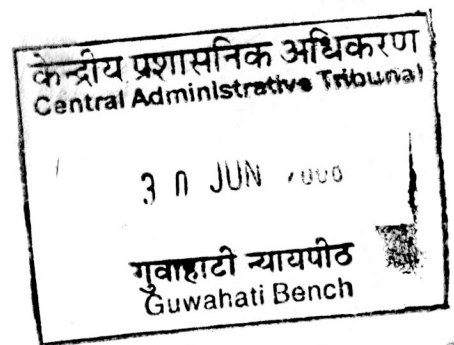
A copy of the letter/ representation dated 25.8.2005 ^{and 21/12/06} is annexed herewith as Annexure - 1. (५८०८)

4.7 That the applicant states that when the present applicant staying at Lumding for discharging his duties, his wife Smt. Putul Roy was separated from him and resided at her paternal house at new Colony Lumding in her sweet will and when the applicant joined his duty Badarpur on 6.1.2005 he immediately contact the authority concerned to handover the official quarter No. 673 (A).

A copy of the joining report dated 6.1.2005 annexed herewith as Annexure -2.

4.8 That the applicant states that he has submitted another representation dated 31.12.06 stating that a divorce suit is pending before the Hon'ble Additional District Judge's Court at Karimganj and Smt. Putul Rani Roy and the applicant are living separately and beside this the present applicant was transferred

Putul Roy



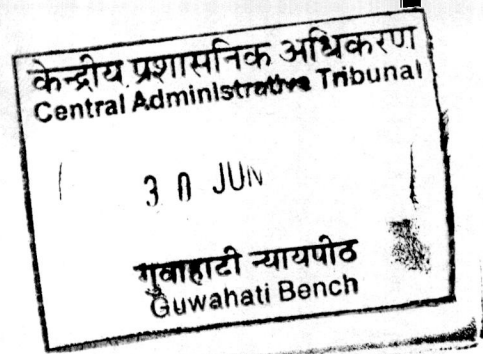
from Lumding to Badarpur as such Smt. Putul Roy have no legal right to capture/ occupied my official quarter and as such constrained to file this petition regarding handover my official quarters which Smt. Putul Roy illegally trespassed my quarters as a trespasser, I have relinquish my claim over the articles, goods, materials and other house hold product of the departmental authority and take any step regarding vacate the official quarter or taking any action against Smt. Putul Roy as per Law, I have no objection in near future, otherwise, I will suffered financially in every month.

4.9 That to put the Applicant into most stringent conditions and make his life totally miserable his wife and the in-laws made the administration for this transfer back to Lumding which, it is apprehend, this time at the risk of his person and property along with his children would inevitably happen in the event of his re-transfer being carried out.

4.10 That against such transfer it would inevitably invite lot of impediments for the Applicant and his little children from Badarpur to Lumding which he had already made known to the administration, more particularly, the Senior Divisional Commercial Manager, N.F. Railway, Lumding, Area Manager, N.F. Railway, Badarpur, Additional Divisional Railway Manager, N.F. Railway, Lumding, several times by both written and personal representations.

4.11 That since his wife is a revengeful woman and could come to the extent of making danger in his life the Applicant was compelled to file two suits in the Civil

Putul Roy

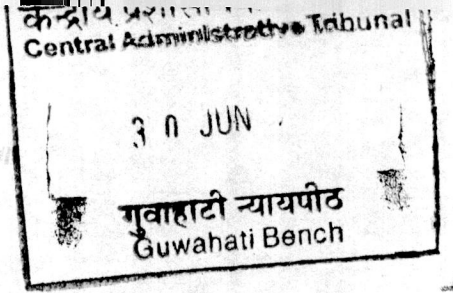


Courts, firstly, praying for restitution of conjugal rights and secondly, when it was found not at all feasible, he had to obtain a decree of divorce from her with effect from 4.8.2007 and as such, lawfully there is no connection with her and for doing her any activity of whatsoever nature does not make him responsible. And for such reasons, the Railway quarter No. 673 (A) at DTS, Hill Colony, Lumding, which was allotted to him while he was in Lumding is now occupied by the above named woman Smt. Putul Rani Roy who is no longer a wife of the Applicant after getting a decree in the Hon'ble Additional District Judge's Court at Karimganj's order with effect from 4.8.2007. And as such, retention of the said quarters or unauthorized occupation of the said quarter by the above.

4.12 That the Applicant has received no reply or any response from any of the corners of the administration in respect of his cancellation and/or stay of the transfer order made and shown in the impugned letters and/or arrange his posting at anywhere other than Lumding as prayed for repeatedly to the Respondents considering his miserable condition because of his wife and in-laws' motive & activities at Lumding. It is really surprising as to for what reason the Respondents without attaching any importance to his representation or his prayer for stay of the transfer order or his posting anywhere other than Lumding, in case it does not at all feasible to retain him at Badarpur, are not considering for issuance of formal Office Order.

4.13 That it is humbly submitted that the Respondents also are acting according to the whims,

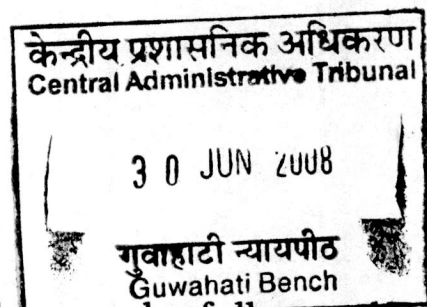
Putul Rani Roy



caprices and ill- motive & activities of his former wife and her relations' who are winding of their high hands and the Respondents are not considering the humble submission of a devoted employee who has rendered his star-line services at the cause of the Respondents administration and for which reason the Applicant can expect the minimum sympathy for considering his prayer for retaining him at Badarpur or anywhere else in case it is not possible for his retention at Badarpur , other than Lumding as it would save not only his service but also his and his two little kid's lives from the clutches of his former revengeful & vindictive and relative wife and her relations.

4.14 That the Respondents are now even creating constant pressures upon him for his joining at Lumding in the event of the impugned orders of his transfer mentioned above by imposing me Memorandum of charges for not carrying out the transfer order at Lumding and also deducting damage rent @ Rs.4730/- per month from his salary for the quarter No. 673(A) which has been forcibly occupied by the above woman Smti. Putul Rani Roy with whom he has no lawful and social relation and connection and the fact is very much known to the Respondents, and the Respondents according to the Indian Railway Act and/or Public premises Eviction Act easily driver out the said woman and take occupation of the same, but instead the Respondents have been forcing for his transfer back to Lumding and compelling him for paying of the damage rent of the aforementioned quarters for Rs.4730/- per month from his salary for which he is not at all responsible and it is because of the inaction of the Respondents that they did not take occupation of the said quarter from the woman

Putul Rani Roy



named Smti. Putul Rani Roy who has ~~unlawfully~~ and unauthorisedly occupied the said quarters within the very knowledge and nose of the Respondents despite repeatedly informing them by this Applicant. In this connection he has already informed the Respondents vide his letter dated 25.8.05 that he would have no objection in the case of taking the said quarter over the Respondents. Instead the Respondents have arbitrarily recovering damage rent from his salary for the said quarter.

4.15 That the applicant states that finding no other alternative the present applicant approach this Hon'ble Tribunal by filing and original application which is registered as O.A. no. 307 /2007 and on 18.12.2007 this Hon'ble Tribunal pleased to disposed of the above mentioned Original application with the directions and observations that the respondent authorities will considered the representation of the ^{applicant} as expeditiously as possible, preferably within a period of 30 days from the date of receipt of a copy of this order.

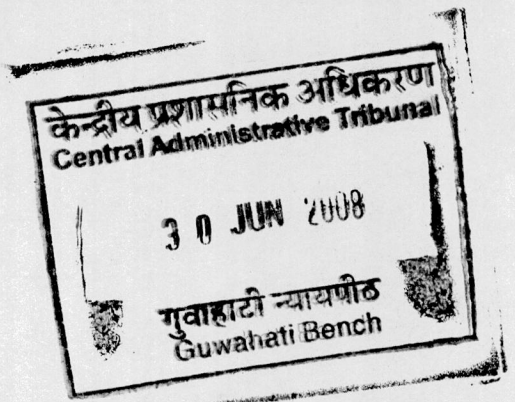
A copy of the order dated 18.12.2007 passed in O.A. No. 307/~~4~~ is annexed herewith as Annexure No. 3.

4.16 That the applicant states that thereafter in compliance with the honourable CAT / GHY's Order, the present applicant is transferred and posted at GHY's on same pay scale on 3.3.2008.

A copy of the compliance order dated 3.3.2008 is annexed herewith as Annexure - 4.

4.17 That the applicant states that on 18.4.2008

Putul Rani Roy



the present applicant joined at Guwahati as T T E.

A copy of the joining report dated 18.4.2008.
is annexed herewith as Annexure-5

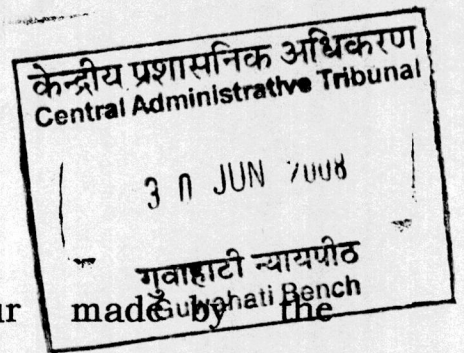
4.18 That the applicant submits that after joining his duties as TTE at Guwahati division the applicant again approach the respondent authorities for vacation office quarter No. 673 (A) at Lumding Railway colony but the respondent authorities now even creating constant pressure upon the applicant to physically present at Lumding in order to vacate and handover the said quarter No. 673 (A) to the railway authorities.

4.19 That the applicant submits that after his transferred from Lumding to Guwahati he received some Phone calls in his cell phone from same unknown persons telling him that if come to Lumding then he will face dire consequences and those unknown person also told him they are all waiting for the moment when the applicant coming to Lumding, that the present applicant suspect that some unknown persons, may be the friends and relative of his wife, who are revengeful or may be member of Lumding "Mahila Samitee", threatening him to face dire consequences.

A copy of the representation dated 16/5/08... is annexed herewith as Annexure - 6

4.20 That it is submitted that the Respondents arbitrarily and with malafide action and without justification deducting the damage rent of the quarters which is not at all under occupation of the Applicant right since his

Bhulay Ray



transfer from Lumding to Badarpur Respondents vide order No. ES/17-B(T) dated 27.12.2004 and the Applicant joined at Badarpur on 6.1.2005 vide his joining report dated 6.1.05 vide ES/ 17-B (T) dated 3/3/2008 and Applicant joined at Guwahati on 18/4/2008 respectively .

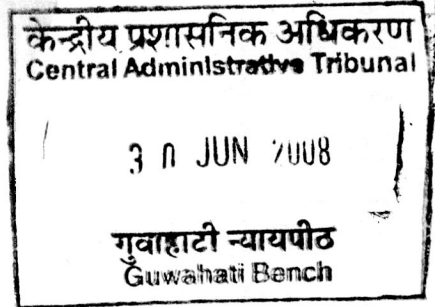
It is important to mention here that in a most discriminating , arbitrary , bias and illegal manner the respondent authorities one hand ducting ₹4730 rupees from his salary as a damage rent at the same time also ducting nominal house rent rupees ₹472 month from the salary of the instant applicant since March 2005 till today and as because the applicant gating net pay of Rs.195 only .

A copy of the pay slip of May , 2008 is annexed herewith as Annexure - 7

4.21 That the applicant submits that after having lost all possible attempts and endeavors from the respondent side the present applicant has been compelled to approach the honourable tribunal for seeking relief of vacating / surrender of railway quarter no . 673 at Lumding. D.T.S. Hill Colony and also ducting damage rent of rupees ₹ 4730 from the applicant by the respondent authorities and thereby save his livelihood.

4.22 That it is submitted that the very action & inaction of the Respondents, more particularly the Respondents Nos. 3, 4 and 5, prima-facie postulates to be of Malafide, Bias, discriminating , arbitrary unfair ply and miscarriage of justice in dealing with the case of the

Blulu Day.



Applicant who has culminated star-line services at the cause of the Administration being a sincere & devoted employee.

4.23 That the Applicant craves leave of this Hon'ble Tribunal for filing of Additional and/or amended O.A., if necessary, for the ends of justice.

5. Grounds for relief :

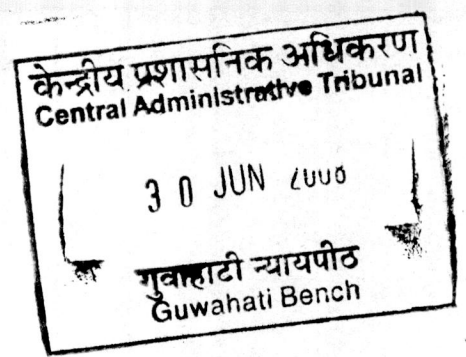
Being aggrieved and dissatisfied with the role played by the Respondents in the making of transfer and re-transfer of the Applicant to and from Lumding and Badarpur mentioned above and in-action on the part of the Respondents to consider his repeated representations, both written and oral, the Applicant begs to mover this application, before this Hon'ble Tribunal, inter- alia, on the following :

GROUND S :

5.1 For that the Respondents have acted according to the whims and ill-will of a third party, the formal wife of the Applicant, inspite of dissolution of their marriage and got a decree from the Civil Court which are best known to the Respondents.

5.2 For that the Respondents' blatant discrimination and malafide attitude and in view of the human consideration, the action of the Respondents are not sustainable in the eye of law as well as facts of the case.

Shulu Ray



5.3 For that this Application is made bonafide and for the cause of justice and also made with abundant caution in the aforesaid circumstances of the case.

6. Details of remedy exhausted

The Applicant declares that failing to get his redress by the Respondents after submitting the number of representations, and personal approaches to the concerned authorities of the Respondents, he has come to this Hon'ble Tribunal for having justice which seems to him efficacious as per Article 21 of the Constitution of India and there remains no other alternative way to get justice to his grievances availed to him except the invoking of the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

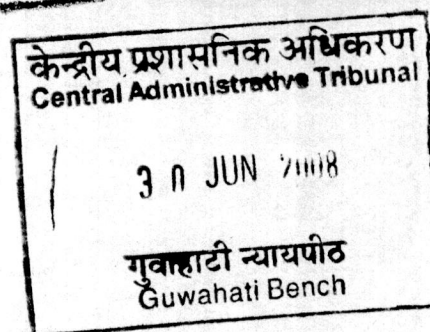
7. Matters not pending with any other Court.

That the Applicant further declares that he has not filed any application, Writ Petition or suit in respect of the subject matter of the Application before any other Court, authority, nor any such application, Writ Petition or Suit on the subject is pending before any of the Courts.

8. Relief sought for .

In the premises aforesaid it is most respectfully prayed that your Lordships may be pleased to call for the records of the case , issue notices to the Respondents as to why the relief(s) sought for by the Applicant may not be granted and after hearing the parties the Hon'ble Tribunal

Bhulu Ray



may be pleased to direct the Respondents to give the following among others, relieves.

(i) To direct the respondent authorities to take necessary steps to vacate the applicant's Quarter No. 673(A) at DTS Hill Lunding / LMG.

(ii) To stop the deduction of damage rent of the quarters No.673 (A) at Lumding which is unauthorisedly occupied by a woman with whom no lawful relation is having by the Applicant and the unauthorized occupation and encroachment of the said quarter is in convenience with and/or consequences of the involvement of the Respondent's men.

(iii) To refund the damage rent of the said quarter which was recovered from the Applicant @ Rs.4730/- per month from the Month of March, 2005

(iv) To consider the case of the Applicant any other relief(s) as the Hon'ble Tribunal may deem fit and proper.

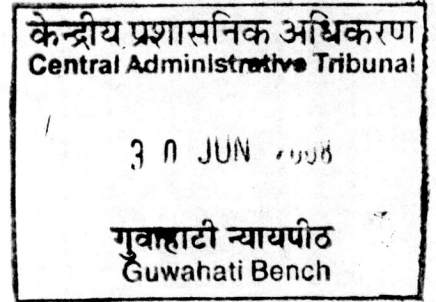
9. Interim Relief prayed for :

During pendency of the application the Applicant prays for the following interim relieves :

(i) That it would also not be bar in the case the Respondents cancel and/or modify the impugned order for the Applicant as prayed for .

(ii) That the Respondents shall have to stop the deduction of the damage rent of the aforesaid quarters

Shubh Ray



immediately.

10. Application is filed through Advocate.

11. Particulars of Application fees:

Indian Postal Order No 296344655 dated..20/6/08....

Date of Issue ..20/6/08.....

I. P. O. amount ...Rs...50/-.....

Issue from ...Guwahati GPO.....

Payable at ...Guwahati.....

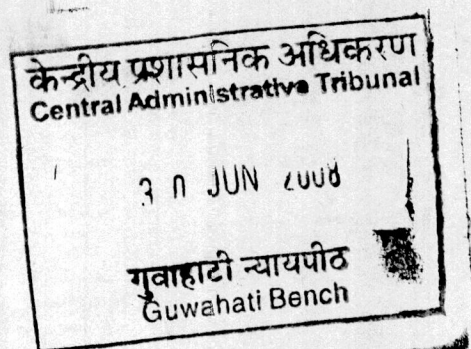
12. Details of Index :

And Index in duplicate containing the details of the documents to be relief upon is enclosed.

13. List of Annexures:

Annexure : 1,2,3,4,5,6,7.

Shubh Ray.



VERIFICATION

I, Sri Bhulu Roy, son of Late Nipu Ranjan Roy, aged about 37 years, TTE , N.F. Railway, Badarpur, do hereby solemnly affirm and verify that the contents of paras 4.1 to 4.16 are the facts of the case and true to the best of my knowledge, information and belief and I have not suppressed any material facts and the Paras 4.17 to 4.20 are my humble and respectful submission before this Hon'ble Tribunal.

And I sign this VERIFICATION on this ..२६..th day of ..Jun....., 2008.

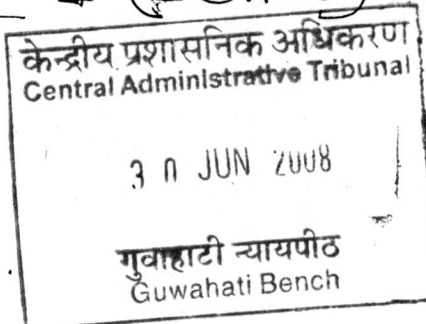
Place : Guwahati

Date : २४/६/०८

Bhulu Roy.

SIGNATURE OF THE APPLICANT

16
ANNEXURE - 1 (Series)



To
The D C M/Lumding/N.F.Rly.
.....

Through: Proper Channel.
.....

Sub: Surrender of Rly. Quarters No. 673(A) at Lumding.
D.T.S. Hill Colony.

Ref:- Your Letter No. CG/n/COMML/2004/Pt.-III dated
12-07-05.

Dear Sir,

I have the honour to inform you that my marital relation with my wife are not maintaining peacefully and started some disputes and differences between us. I was posted at Badarpur on 28-12-04 and joined at Badarpur on 08-01-05 in my service. Since the date of transfer my wife illegally occupied my Quarters No. 673(A) at D.T.S. Hill Colony, Lumding.

So,
Sir, if the authority take any step regarding vacate the said Qrs. No. 673(A) then I have no objection.
-n.

Thanking you,

Yours Faithfully,

Dated: BADARPUR
The 25-08 /2005.

Bhulu Roy.
(Shri BHULU ROY.)
TTE/EPE.

Forwarded
GT 19/BPB
7/8/05

&&&

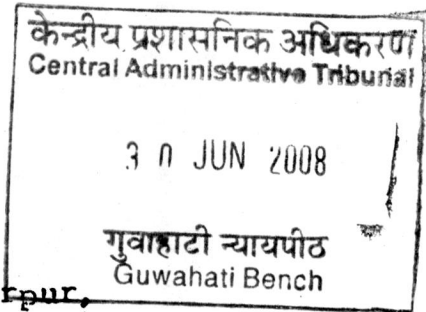


17
ANNEXURE-1 (Series)

To :

The Divisional Commercial Manager,
LMG Division, N. F. Railway.
L U M D I N G.

(Through: C. T. T. I. , Badarpur,
N. F. Railway.)



Respected Sir,

With due respect, I have the honour to inform you that I received transfer order from Lumding to Badarpur Junction on 28/12/2004 and spared from Lumding on 06/01/2005.

Sir, when I discharged my duties at Lumding, departmental quarters was allotted in the name of me for accommodation Vide Quarters No. 673(A) D.T.S. Hill Colony, Lumding and I was stayed there till my transfer.

Sir, during my staying at Lumding my wife Smt. Putul Roy was seperated from me and resided her paternal house at New Colony, Lumding in her sweet will without any reasonable ground just to harass me in collusion with others.

Sir, after receiving transfer order I joined my duty at Badarpur on 08/01/2005 and immediately after i.e. 10.01.2005 I again returned back at Lumding after managing leave from the authority of Badarpur Junction just to spare and hand over my official quarters to the authority concerned.

Sir, I have failed to hand over my official quarters due to illegal intervention of Smt. Putul Roy, at that time due to my family dispute and difference I have filed title suit before the District Judge, Karimganj vide T.S. (Restitution of conjugal rights) No. 29/2005 for proper redressal notices was also served through registered post in the address to Smt. Putul Roy, D/O. Late Jyotindra Mohan Das, C/O. Hiralal Das of New Colony, Lumding , P.O. & P.S. : Lumding, District - Nowgaon, State - Assam and Smt. Putul Roy received the Notices after signing due acknowledgement in the above mentioned address.

Contd.....Page(2).



30 JUN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

Sir, after receiving summons and notices issued by the Learned District Judge, Karimganj, Smt. Putul Roy appeared before the court through engaged Lawyer but failed to submit the written statement in time and ultimately the said suit was proceeded ex-parte against Smt. Putul Roy, thereafter said suit was disposed of exparte in/^{my}favour Vide Judgement and decree dtd. 27-01-2005 directed Smt. Putul Roy to come back to my society.

Sir, Smt. Putul Roy not complied with the order passed by the Learned District Judge, Karimganj on 27.01.2005 i.e. about one year passed over and above Smt. Putul Roy, threatened me in regular interval. In the abovementioned facts and circumstances and illegal activities of Smt. Putul Roy resided in the abovementioned address where she received the notices since long before the date of receiving notices and very illegally captured my official quarters as a trespasser and as such I have lessed financially in every month.

That Sir, considering the facts and circumstances stated above and after non compliance of order passed by the Learned District Judge, Karimganj Smt. Putul Roy having no right to illegally captured / occupied my official quarters and as such constrained to file this petition regarding handover my official quarters which Smt. Putul Roy illegally trespassed my quarters as a trespasser. I have relinquish my claim over the articles, goods, materials and other house hold product of the departmental authority and take any step regarding vacate the official quarters or taking any action against Smt. Putul Roy as per Law, I have no objection in near future. Otherwise, I will suffered financially in every month.

It is therefore, prayed that your honour would graciously be pleased to pass necessary order to take appropriate step/steps against Smt. Putul Roy which she illegally occupied / captured my official quarters as a trespasser for vacating my official quarters having relinquish my claim over the articles, goods, materials and household product of the departmental authority, take any step regarding vacating the official quarters on taking any action against Smt. Putul Roy as per Law I have no objection in this regards in any time and be further pleased to pass such other order or orders as the authority deem fit and proper, otherwise I will be suffered financially.

Contd. ... Page(3).



Continuation from Page(2).

Thanking you,

Yours Faithfully,

Dated:
BADARPUR.
The 31-12-06/2006.

Sri Bhulu Roy.
(SRI BHULU ROY.)
T T E / Badarpur.
Under C. T. T. I. / EPE.
Badarpur, N.F. Rly.

Copy to:-

- 1). Area Manager/Badarpur,
N. F. Railway.
- 2). Asstt. Commercial Manager/LMG/N.F.Rly.
- 3). C.T.T.I./EPE/N.F.Rly.
- 4). C.T.T.I./LMG/N.F.Rly.

For favour of their kind information and necessary
action from their respective end if any please.

P.
31/12/06
CRS/MS
T. T. E. Badarpur
Asstt. Commercial Manager
LMG/N.F.Rly.

&&&



20

ANNEXURE-2

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

30 JUN 2005

गुवाहाटी न्यायपीठ
Guwahati BenchTo
The Divisional Railway Manager (P) / Lunglei
N.F. Railway.
.....Sub :- Joining report (Ref .No. ES/17-B(T)
dt. 27.12.2004.

Sir,

In reference to the above mentioned office order,
I do hereby join on 06-01-2005 as TTE/Bp B under CTTI/
Bp B.

This is for your kind information and necessary

action please.

Chief Travelling Inspectors
N.F. Rly. Badarpur

Date : 06/01/2005

Yours faithfully,

Bhulu Roy,

(Bhulu Roy)
TTE/Bp B.

Copy to :-

- 1) DRM(C) / LMG
- 2) DRM(P) / LMG
- 3) DFM/LMG
- 4) OS/ET, Bill / LMG
- 5) AM/Bp B
- 6) CTTI/Bp B
- 7) Office copy.

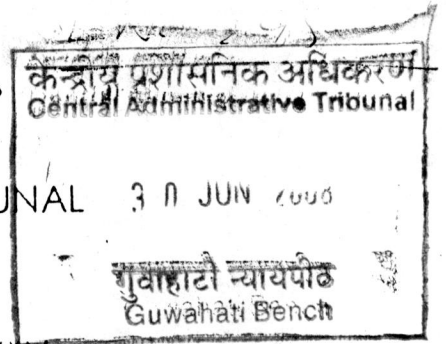
For their kind information
and necessary action please.

Yours faithfully,

(Bhulu Roy)
TTE/Bp B.

21-
ANNEXURE - 3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



Original Application Nos. 307 of 2007

Date of Order: This, the 18th Day of December, 2007

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

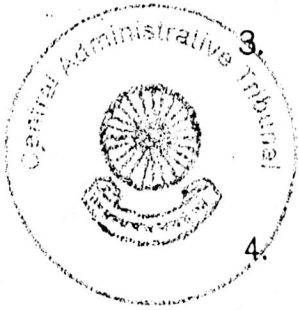
Sri Bhulu Roy
S/O Late Nitu Ranjan Roy
TTE, N.F.Railway
Badarpur, Karimganj
Assam.

..... Applicant.

By Advocates Mr.P.K.Roy Choudhury & Mr.J.Das


- Versus -

1. The Union of India
Represented by General Manager
N.F.Railway, Maligaon
Guwahati - 780 011.
2. Chief Personnel Officer
N.F.Railway, Maligaon
Guwahati - 780 011.
3. The Divisional Railway Manager
N.F.Railway, Lumding
Dt.Nagaon, Assam
PIN:-782447.
4. Area Manager
N.F.Railway, Badarpur
PIN:-78806.
5. Divisional Personnel Officer
N.F.Railway, Lumding
PIN:- 782 447.



.....Respondents.

By Dr. J.L.Sarkar, Sr. C.G.S.C.

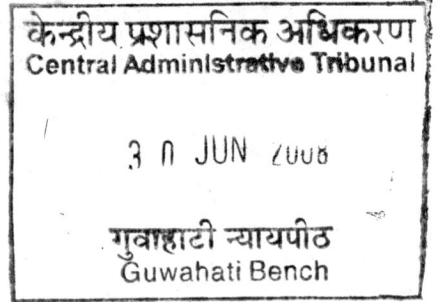




22

2

O.A.307/2007
ORDER (ORAL)
18.12.2007

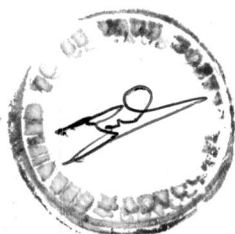


MANORANJAN MOHANTY, (V.C.)

Heard Mr. P.K.Roy Choudhury, learned counsel appearing for the Applicant and Dr.J.L.Sarkar, learned Standing counsel for the Railways; on whom a copy of this Original Application has already been served; and perused the materials placed on record.

2. At the outset, Mr.P.K.Roy Choudhury, learned counsel for the Applicant, filed a memorandum not pressing the prayers at 8 (ii) & (iii) of the Original Application pertaining to quarter No. 673 (A) (at Lumding) and the damage rent imposed upon the Applicant for the occupation of the said quarter and relating to refund of the damage rent recovered from the Applicant @ Rs.5,000/- per month from the month of December, 2006. The prayer of the Applicant's counsel not to press the prayers at 8.(ii) and (iii) is allowed, and as a consequence, this case stands confined to the grievance pertaining to transfer of the Applicant from Badarpur to Lumding only.

3. The Applicant, a TTE posted at Badarpur, having faced the order of transfer during March, 2007 from Badarpur to Lumding, represented to the authorities for retaining him at Badarpur for the reasons explained in the representation. Alleging non-disposal of that representation (of the Applicant) by the Respondents, the Applicant has approached this Tribunal with this present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985.



30 JUN 2008

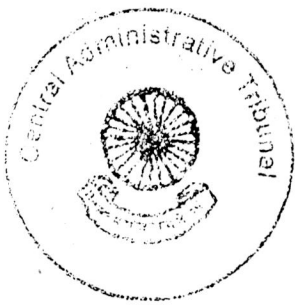
गुवाहाटी न्यायपीठ
Guwahati Bench

3

4. Since the representation of the Applicant (pertaining to his transfer from Badarpur to Lumding) is stated to have been pending with the Respondents, without entering into merits of the matter, this Original Application is, hereby, disposed of with a direction to the Respondents to consider the grievances of the Applicant (as raised in his representation dated 13.08.2007), as expeditiously as possible, preferably within a period of 30 days from the date of receipt of a copy of this order.

5. With the above observations and directions, this Original Application is disposed of.

Send copies of this order to the Applicant and to all the Respondents in the addresses given in this Original Application. Free copies of this order be also supplied to the learned counsels appearing for both the parties.



58-

M. R. Mohanty,
Vice-Chairman

Date of Application : 24.12.07
 Date on which copy is ready : 24.12.07
 Date on which copy is delivered : 24.12.07
 Certified to be true copy

Section Officer (Judl)

C. A. T. Guwahati Bench

Guwahati B.



ANNEXURE-4

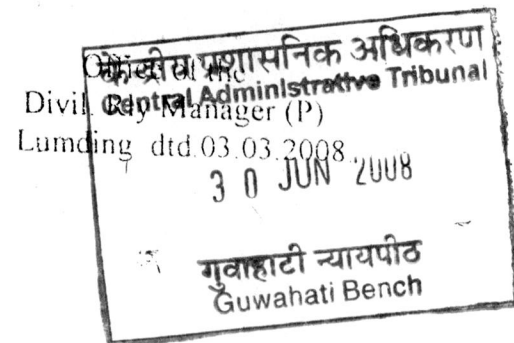
Shri Bhulu Roy
TTE/BPB
JATEB-CTTI/IC/BPB

N.F.Railway

No. ES/17-B(T)

To,

Shri Bhulu Roy,
TTE/BPB
Thro. CTTI/IC/BPB.



Sub:- Compliance of Hon'ble CAT/GHY's order dtd 18.12.2007 passed in O.A No. 307/2007.

In compliance with Hon'ble CAT/GHY's above mentioned order and in consideration of your representation dated 13.8.2007, you have been ordered for transfer and posting at GHY on same pay & scale vide this office order No. ES/17-B(T) dtd 29.2.2008(copy enclosed) in cancellation of your transfer and posting order at LMG vide this office order of even No. dated 22.3.2007.

Further, you are advised to vacate your qrs. No. 673 (A) at DTS Hill colony /LMG physically and handover it to SSE/North/LMG immediately.

This is issued as per order of competent authority.

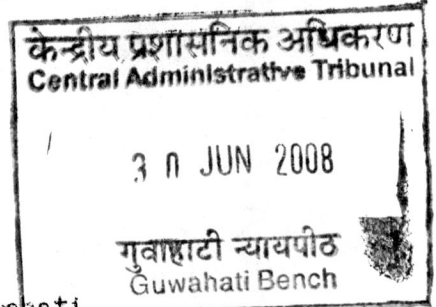
Encl:- 1(one)

(A. Chakraborty)
DPO/LMG
For Divil.Railway Manager(P)
N.F.Railway, Lumding.



instant applicant submitted several representations before the concerned respondent to alter, modify or cancel the 27/3/2007, whereby the applicant was re-transfer from

25
ANNEXURE-5



To

The Chief Travelling Ticket Inspector/Guwahati
N.F. Rly. Guwahati.

Sub:- Joining report (Ref. No. ES/17-B(T) dated 29/2/08.

Sir,

In reference to the above mentioned office order,
I do hereby join on 18-04-2008 as TTE/GHY., under CTTI/GHY.

This is for your kind information and necessary
action Please.

Dated :

18-04-2008.

Yours faithfully,

Enclosed: (1) DFC.
with Doctor's Certificate.

TTE/ GHY.

Dated 18-04-2008.

Copy to :-

- (1) DRM(P) LMG.
 - (2) DRM (C) LMG.
 - (3) DRM(C) GHY.
 - (4) DRM/LMG.
 - (5) CS/ET. Bill/LMG.
 - (6) CTTI/GHY.
- Office copy.

For their kind information and
necessary action Please.

7)

Self Copy

Yours faithfully,

TTE/GHY.

Dated 18-04-2008.



.....

instant applicant submitted several representations before
the concerned respondent to alter, modify or cancel the
27/3/2007, whereby the applicant was re-transfer from

To,
The Divisional Railway Manager,
N. F. Railway, Lumding,
Dist. Nagaon, Assam.

Date: 16/5/08

Ref : Order dated 18.12.07 passed in
O.A. No. 307 / 07.

Ref : Order dated 03/03/2008.

Sub : Representation.

That the applicant is serving under the N.F. Railway, Lumding since 1994 as T T E and since his joining at Lumding Junction, he is discharging his duties with utmost sincerity and unblamishly with full satisfaction of his superior authorities. Thereafter on 28/12/2004 the instant applicant was transfer from Lumding Junction to Badarpur Railway office and in compliance with the transfer order dated 28/12/2004 he joined at Badarpur Railway office on 8/1/2005, discharged his duties as TTE. It is important to mention her that vide a decree of divorce dated 4/8/2004 passed Addl. District Judge's Court of Karimganj. The instant application was living separately with his wife i.e Smti. Putul Rani Roy at two different places. The applicant is living at Badarpur Railway office and his wife is staying at Lumding in her parent's house. That surprisingly on 27/3/2007 within the span of 2 years one transfer order was issued by the concerned respondent and directed the applicant to join again Lumding Railway office immediately. Thereafter the instant applicant submitted several representations before the concerned respondent to alter, modify or cancel the 27/3/2007, whereby the applicant was re-transfer from



Badarpur to Lumding within a span of 2 years. But the concerned respondent has not consider the grievances of the applicant and also not replied the representations of the applicant. Under above circumstances the present applicant approach the Hon'ble Central Administrative Tribunal, Guwahati, seeking direction from the Hon'ble CAT, to interfere with the transfer order dated 27/3/2007 issued by your Division . And the said case was registered as O.A. No. 307 /07 and on 18/12/07 after hearing the parties Hon'ble Tribunal pleased to directed the Railway authorities to disposed of the representation of the present applicant expeditiously within the period of 3 months from date of judgment of this Tribunal and in compliance with Hon'ble CAT/ GHY's Order the respondent authorities posted and transferred the applicant at Guwahati and also advised the applicant to vacate the quarter No. 673(A) at DTS Hill colony while presenting him physically before the SSE/ Worth / LMG.

7 30 day

But on the present applicant received some phone calls in his cell phone from same unknown persons telling him that if come to Lumding then he will face dire consequences and those unknown persons also told him they are all waiting for the moment when the applicant coming to Lumding. That the present applicant suspect that some unknown persons, may be the friends and relative of his wife, who are revengeful or may be member of Lumding "Mahila Samittee" threatening him to face dire consequences. That applicant apprehend that his life would be in danger, if he go to Lumding to vacate and handover the quarter No. 673(A) to SSE /North / LMG.



Under above facts and circumstances , the present applicant humbly submitting before this Division that because of fear factor he is unable to Lumding to vacate the Quarter No. 673 (A). This is for your kind information.

Thanking you,

Yours faithfully,

Charles Ray.



29-

ANNEXURE-7

011) 2328193, 2328193, FAX : (011) 2328195, 2325700

IT Centre/LMG *Pay-in-Slip* May-2008
Aloct:09230
Name : BHULU ROY
F/H_Name: Lt-NIPU RM. ROY
EmpNo : 04214640
Design : TTE
Accumulated LAP:0, LHAP:0

GU:10007 MU:05178 Duty: 31 LWP: 0 Sth:GHY
PAY ALLOWANCES
Basic Pay * 4900
D.P. * 2450
D.A. * 3455
SCA * 120
Batt.All * 90

RLY_RECOVERIES
PF-Subsc. * 613
CGIS-C * 150
Rent-Nominal* 472
Water Charge* 60
Arr Electric* 650
Arr Electric* 620
Arr Electric* 552
Arr Electric* 506
Dmg Rent * 4730
Durga. FA * 150

BN- 88
NRD_RECOVERIES
P Tax-Assam * 208
LIC/HJI * 2109

Rs 2600
635
3312
2530
12,782

Scale:04000-06000 R/Pay:4900 Gross Pay Rs.11015
Next Increment :01-Jun-2008 Retd. Dt.:30-Nov-2031
Deductn. Rs.10820
NETPAY Rs.195.00
Cash Payment

