

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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*15/6/2015* *17/7/2015*  
SECTION OFFICER (JUDL.)

FROM NO. 4  
( See Rule 42 )  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No: 82/2009

2. Misc Petition No 1

3. Contempt Petition No 1

4. Review Application No 1

Applicant(s) Pradip Kr. Ghorok

Respondent(s) M.C.P. Gomes

Advocate for the Applicant(s): Ms. U. Das

Advocate for the Respondent(s): Railways Counsel

Notes of the Registry	Date	Order of the Tribunal
<p>the application is in form is filed in this office on 30/05/2009 No. 3961/3982/63 Date 18.2.09 By. Registrar</p> <p>Steps Taken for issue notice alongwith envelope. Copy received.</p> <p>8/5/09 8/5/09</p>	06.05.2009	<p>Heard Ms. Usha Das, learned counsel for the Applicant and Dr. M. C. Sarma, learned counsel for the Railways (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.</p> <p>2. A prima facie case of gross violation of principle of natural justice having been found, this case is admitted. Notice be issued to the Respondents requiring them to file their written statement/counter by 24<sup>th</sup> June 2009.</p> <p>3. The Respondents are hereby restrained from making any recovery of Damage House Rent/Penal House Rent from the Applicant's monthly salaries. However, the Respondents shall remain free to recover Normal House Rent/License fees, from the Applicant by treating him to be in lawful occupation of Railway Quarter No. 112/B-Type-II (Elec) at B. G. Colony/NBQ; as the Applicant has since been retransferred (from Rangia) to New Bongaigaon i.e. his old place of posting.</p>

O.A.82 of 2009

Contd/-

06.05.2009

Received for  
Res. No. 3  
Usha Das, learned  
counsel  
N.R. Das, J.P.M.C.  
12-5-09  
(A.K. Doley)

Received copy  
Usha Das,  
Advocate  
12/5/2009.

Order dated 6/5/09  
handed over to  
Counsel for both  
the parties.

6/5/09.

Copies of order  
dated 6/5/09 along  
with notices served  
to D/Sec. for  
issuing to resp.  
by regd. A/D  
post.

D/No - 2723/2727

lm

22/5/09. DT - 28-5-2009

07.08.2009

Notice copies duly served  
on R- No. 2, 3, and 1.

Recd. 04. copy  
on behalf of  
17.6.09 Resp. no. 5.

Notice received back  
from R-5 as unserved. By Advocate (M.K. Chaturvedi)  
Member (A)

W/S not filed. 17/8/09 Notice served for  
17/8/09

5. While, passing these ad-interim orders, liberty is hereby granted to the Respondents to put up their objections, if any, to the interim prayer made in this O.A. and to this

ad-interim order; which they can do well before the date fixed/24.06.2009.

6. Send copies of this order to the Applicant and to all the Respondents (along with notices) and free copies of this order be supplied to Ms.Usha Das, learned counsel for the Applicant and to Dr.M.C.Sarma, learned counsel for the Railways.

  
(M.R. Mohanty)  
Vice-Chairman

lm

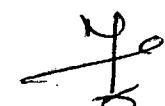
24.06.2009 On the prayer of

Dr.M.C.Sarma, learned counsel for the Respondents/Railways, call this matter on 7th August 2009 awaiting written statement from the Respondents.

  
(M.R. Mohanty)  
Vice-Chairman

Ms. Usha Das, learned counsel for the Applicant is present. Dr.M.C.Sarma, learned counsel representing the Railways/Respondents prays for time till 27.08.2009 to file written statement.

Call this matter on 27.08.2009 awaiting written statement from the Respondents.

  
(M.R. Mohanty)  
Vice-Chairman

27.08.2009 On the prayer of Ms.U.Das, learned counsel for the Applicant, call this matter on 05.10.2009, awaiting rejoinder from the Applicant.

28.8.09  
W.S. Law Lee  
filed by the Respondents  
Smt. Meenakshi A/Adv  
Dr. M.C. Sarma  
Copy served

28/8/09

  
(M.K. Chaturvedi)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

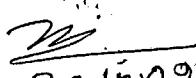
Rejoinder not filed.

/lm/

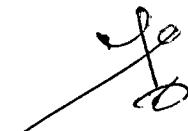
05.10.2009

Ms.U. Das, learned counsel for the Applicant is present. Dr.M.C.Sarma, learned counsel for the Railways is also present.

No rejoinder filed.

  
30.10.09

On the prayer of Ms.U.Das, learned counsel for the Applicant, call this matter on 03.11.2009 awaiting rejoinder from the Applicants.

  
(M.R. Mohanty)  
Vice-Chairman

/bb/

03.11.2009

Miss U. Das, learned counsel appearing for the applicant seeks further time to file rejoinder. It has been pointed out that Dr M.C.Sarma, learned counsel for the Respondents is in personal difficulty and hence not present. In the circumstances the case is adjourned to 11.12.09 for hearing.

  
(Madan Kr. Chaturvedi)  
Member (A)

  
(Mukesh Kr. Gupta)  
Member (J)

/pg/

11.12.2009

On the request of Ms. U. Das, learned  
counsel for applicant list on 22.01.2009.

W/S filed.

By

21/1/2010

/PB/

21/1/2010

Report has  
been filed by the  
applicant with  
undersigned to  
leave a copy to  
/Advocate for the  
respondents.

21/1/2010

22.01.2010

On the request of parties  
adjourned to 15.2.2010.

(Mukesh Kumar Gupta)  
Member (J)

The case is ready  
for hearing.

/pg/

15.02.2010

proxy counsel for Applicant prays for  
adjournment, which is not opposed. List on  
03.03.2010.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

The case is ready  
for hearing.

/bb/

03.03.2010

Adjourned to 10.03.2010. Respondents  
should produce related records.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

The case is ready  
for hearing.

/bb/

30-3-2010

9-3-2010

10.03.2010

Heard Ms U.Das, learned counsel for the  
applicant and Dr M.C.Sarma, learned counsel for  
the respondents. Hearing concluded.

For the reasons recorded separately the  
O.A. is allowed.

(Mukesh Kr. Gupta)  
Member (J)

Final order  
dated 10/3/2010. (10/3/2010)  
Befare, and  
Served to the D/ / received  
Section for Usha Das -  
issuing the all Adoreate  
the respondents  
by post, vide No 817 to 820 dated 7-4-2010

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

.....

O.A. No. 82 of 2009.

DATE OF DECISION: 10 -03-2010.

Shri Pradip Kumar Ghosh

.....Applicant/s

Ms U. Das

.....Advocates for the  
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Dr M. C. Sarma, Railway counsel

.....Advocate for the  
Respondent/s

CORAM

THE HON'BLE MR MUKESH KUMAR GUPTA, MEMBER (J)

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

  
Member (J)

X

**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH**

**Original Application No. 82/2009.**

**Date of Order : This the 10<sup>th</sup> Day of March, 2010.**

**THE HON'BLE MR MUKESH KUMAR GUPTA, JUDICIAL MEMBER**

Shri Pradip Kumar Ghosh,  
Head Train Clerk,  
Office of the N.F.Railway, New Bongaigaon  
Resident of Vill-New Bongaigaon B.G. Colony,  
Railway Quarter No. 112/B,  
P.O. New Bongaigaon,  
Dist. Bongaon, Assam

....Applicant

By Advocate Ms U. Das

-Versus-

1. Union of India  
represented by the Secretary to the  
Govt. of India,  
Ministry of Railways,  
New Delhi-110001.
2. The General Manager,  
N.F.Railway, Maligaon,  
Guwahati – 781011.
3. The Divisional Railway Manager (Personnel),  
N.F.Railway, Rangia Division,  
P.O. Rangia,  
Dist. Kamrup, Assam  
PIN - 781354.
4. The Divisional Personnel Officer,  
N.F.Railway, Rangia Division,  
P.O. Rangia,  
Dist. Kamrup, Assam  
PIN - 781354.
5. The Area Manager,  
N.F.Railway, New Bongaigaon,  
P.O. New Bongaigaon,  
Dist. Bongaigaon, Assam  
PIN – 783380. ....Respondents

By Advocate Dr M.C.Sarma, Railway counsel.



ORDER (ORAL)MUKESH KUMAR GUPTA, MEMBER(J)

Controversy raised in present application should not survive after the Railway Board communication dated 26.10.2009 whereby it had decided that retention of Railway accommodation at the previous place of posting in favour of the officers/staff posted to Pune Division in Central Railways and Rangia Division in N.F. Railway would be permitted with post facto approval upto 31.08.2009.

2. Facts in a nutshell are applicant was transferred from New Bongaigaon to Rangia vide order dated 7.4.2005, which had been implemented on 7.6.2007. On a request made by him for retention of quarter at New Bongaigaon, he was conveyed such approval vide letter dated 5.11.2007 for a period of 8 months up to 8.6.2007, which period expired on 7.2.2008. Thereafter, he continued to make representation for retention of said quarter for the reason that there is no Kendriya Vidyalaya at Rangia where he could admit his wards. Moreover, he had his ailing mother, who required family attention. As his family was staying at New Bongaigaon, said request had been repeatedly made to the authorities, which remained unconsidered. In the meantime he was transferred back to New Bongaigaon on 14.7.2008, which order had been carried out on 23.7.2008.

3. By present O.A applicant seeks direction to respondents not to deduct penal rent as well as arrears of damage rent for the period 8.2.2008 to 23.7.2008 and to refund the entire amount deducted with interest @ 12% per annum. His grievance is despite request made, no favourable attention has been paid by the Railways.

4. Initially by filing reply his claim has been contested by the respondents on all possible count. I need not to repeat the contentions raised to avoid burdening of the record for the sake of brevity, as said issue no longer survive after the Railway Board issued circular dated 26.10.2009.

5. I have heard Ms U.Das, learned counsel appearing for the applicant and Dr M.C.Sarma, learned counsel for the respondents, perused the pleadings and other material placed on record. In view of the communication dated 26.10.2009, there remains no question of unauthorized occupation of quarter by the applicant at New Bongaigaon and it is undisputed fact that New Bongaigaon also falls within Rangia Division. There is no question of unauthorized occupation of the applicant till the aforesaid period i.e. 31.8.2009. In this view of the matter as the post facto approval of retention of Railway quarter has been granted by the Railway Board upto 31.8.2009 and the period in question falls within said limit, there remains no grievance to be adjudicated and the respondents ought to have been regularized the period in question.

Since it has not been done, O.A is allowed and the respondents action in not regularizing the period is quashed and set aside. The Respondents are also directed to refund whatever amount has been deducted within a period of 45 days from the date of receipt copy of this order. No costs.




( MUKESH KUMAR GUPTA )  
JUDICIAL MEMBER

5 MAY 2009

गुवाहाटी न्यायालय  
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI  
(An application under section 19 of the Administrative Tribunal Act, 1985)

Title of the case : OA No 82 of 2009

BETWEEN  
Shri Pradip Kumar Ghosh ..Applicant.  
AND

UNION OF INDIA & ORS .....RESPONDENTS

I N D E X

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Filed by : Usha Das

Miss Usha Das  
Advocate

Date : 05/5/09

Received copy of OA  
for Standing Counsel, Railway.

Ashok Kr. Doley  
Chief Law Asstt.  
CPS Legal cell  
N.F. Railway, Maligonj.  
5-5-09.

- 5 MAY 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI

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

OA No. 82/09

Shri Pradip kumar Ghosh

.....applicant

-versus-

Union of India & ors

.....respondents

List of Dates

DATES

PARTICULARS

- 1) 26.1.1990      The applicant entered into the services of the respondents as Junior Trains Clerk at New Bongaigaon
- 2) 07.4.2005      Transfer order issued by the respondents
- 3) 06.6.2007      Order issued by the respondents advising the applicant to join duty.
- 4) 07.6.2007      Applicant joined duty station at New Bongaigaon
- 5) 07.6.2007      Applicant has been transferred from New Bongaigaon to Rangia implementing the transfer order dated 07.4.2005
- 6) 08.6.2007      The applicant joined duty station at Rangia
- 7) 23.8.1007      Applicant submitted representation praying for retention of his quarter at New Bongaigaon
- 8) 08.9.2007      Applicant filed representation before the Chief Personnel Officer, N. F. Railway, Maligaon requesting him to transfer the applicant from Rangia to New Bonagaingaon as there is no male member in the family
- 9) 29.10.2007      Applicant submitted reminder to the representation dated 08.9.2007
- 10) 05.11.2007      The respondents issued the Office order allowing the applicant to retain his family in his quarter at New

*Alsha Das  
Advocate*

Bongaigaon for a period of 8(eight) months for the purpose of children education from the date of joining at Rangia i.e. 08.6.2007

11) 18.2.2008 The applicant immediately after expiry of permitted period again preferred representation praying for extension of the retention period up to April/2009 as both small school going daughters were studying at primary level.

12) Pay Slip for the month of February 2008 - March 2008---- the respondents deducted arrear rent of Rs. 648/- without any prior notice.

13) Pay Slip for the months from March 2008 - Aril 2008 to July 2008-August 2008-----the respondents deducted Rs. 3960/- as Penal Rent and Rs. 1093 as Arrear Rent.

14) 14.7.2008 Order issued by the respondents transferring the applicant from Rangia to New Bongaigaon

15) 23.7.2008 The applicant was speared from Rangia to join his duty station at New Bongaigaon

16) 24.7.2008 The applicant joined his duty Station at New Bongaigaon

17) Pay Slip for the month of August 2008-September 2008 and September 2008-October 2008 (for two months)--- Respondents deducted the normal rent of Rs. 108/-

18) 20.10.2008 The applicant preferred representation before the Senior Divisional Operating Manger, Rangia through Staff Grievance Cell fro refund of the Penal Rent against the quarter in his occupation.

19) Pay Slip for the month of October 2008-November 2008 to January 2009-February 2009 for 4 (Four) months--- The respondent deducted Rs. 3960/- as Penal Rent and Rs. 1980/- as Arrear Damage Rent without prior notice.

20) 18.11.2008 The applicant preferred representation requesting the Divisional Railway Manger (P), N. F. Railway Rangia to

*Mohan Das  
Advocate*

5 MAY 2009

गुवाहाटी न्यायालय  
Guwahati Bench

intervene the matter as same was done without prior notice.

21) 11.12.2008 The applicant once again preferred representation before the Divisional Railway Manger (P), N. F. Railway, Rangia for regularization of allotment of his quarter treating him as authorized occupant w.e.f. 24.7.2008 on the event of re-transfer from Rangia to New Bongaigaon.

22) **Pay Slip from the month of February 2009- March 2009 to till date-----**  
- The respondents have deducted Rs. 3960/- as Penal Rent every month and stopped the deduction of Arrear Damage Rent.

Filed by  
Usha Das  
Advocate  
05/5/09

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

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

OA NO. 82/2009

Shri Pradip Kumar Ghosh -Vs- Union of India & others

Synopsis

That the applicant entered into the services of the respondents as Junior Trains Clerk in the Office of the N.F. Railway, New Bongaigaon on 26.1.1990. The applicant promoted to the post of Senior Trains Clerk and again promoted to the post of Head Trains Clerk in the month June 1997 and has been continuing in that post till date. The CTNC/BG/IC/NBQ issued a letter dated 06.6.2007 advising the applicant to attend CTNC/BG/ NBQ's office for joining duty at once as the joining permission had already been obtained from Sr. DOM/RNY. The applicant joined his duty station on 07.6.2007 at New Bongaigaon and on the same day i.e. 07.6.2007 the Chief Trans Clerk, In-Charge, New Bongaigaon issued a letter transferring the applicant from New Bongaigaon to Rangia on administrative ground and the applicant accordingly gave his joining report at Rangia. The applicant has got his widow mother, wife and two daughters aged about 12 years and 9 years who are studying in Kendriya Vidyalaya Sangathan, Boangaigaon. After the transfer to Rangia the applicant on 23.8.2007 preferred a representation before the respondents to allow him to retain his quarter at New Boangaigaon as the transfer order was issued in mid academic session and there is no School of Kendriya Vidyalaya at Rangia. The applicant also filed representation dated 08.9.2007 before the Chief Personnel Officer, N.F. Railway, Maligaon requesting him to transfer the applicant from Rangia to New Bongaigaon as there was no male member in his family. Getting no response from the authority the applicant also sent reminder dated 29.10.2007 as at the time of transfer of the applicant both the daughters were reading at class IV and

*Abha Das  
Advocate*

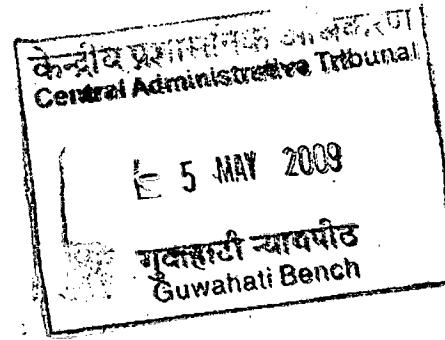
- 5 MAY 2009

गुवाहाटी बालापाट  
Guwahati Bench

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class III. While considering the request of the applicant the respondents have issued the Office Order No. T/262/Retention/Qtr/Pt.II dated 05.11.2007 allowing the applicant to retain in his quarter at New Bongaigaon for a period of eight month for the purpose of Children education from the date of joining at Rangia i.e. 08.6.2007. Immediately after expiry of the period of retention the applicant once again preferred representation dated 18.2.2008. The respondents have not intimated the applicant anything regarding decision on the prayer for extension as prayed for in the representation dated 18.2.2008. The applicant was shocked and surprised to see the salary slip for the month of February 2008 to March 2008 the respondents have deducted arrear rent of Rs. 648/- without giving prior notice to that effect. When the applicant wanted to know the reason for the deduction of arrear rent the respondents just denied explaining the same. The applicant was again shocked when he saw the salary slip for the Month march to April 2008 wherein the respondents deducted Rs. 3960/- as Penal Rent and Rs. 1093/- as Arrear Rent. The respondents continued to deduct the Penal Rent and Arrear Rent at the same rate till July 2008 to Aug 2008. When the applicant approached the respondents to know the reason for Penal Rent the respondents kept silence. The applicant has been transferred again from Rangia to New Bongaigaon vide Office order dated 14.7.2008 and speared on 23.7.2008. The applicant joined his duty at New Bongaigaon on 24.7.2008. Since the applicant re-transferred to New Bongaigaon the applicant was under impression that no further recovery would be made thereafter. After joining his duty at New Bongaigaon, in the salary slip for the month of August 2008 to September 2008 and September 2008 to October 2008, the respondents deducted the normal rent of Rs. 108/-. Applicant filed a representation dated 20<sup>th</sup> October, 2008 before the Senior Divisional Operating Manager, N. F. Railway, Rangia through Staff Grievance Registration for refund of the Penal Rent against the quarter in his occupation but the respondents have not disposed of the same till date. All of a sudden the respondents have once again started

*Mohor  
Advocate*



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deduction at the rate of Rs. 3960/- as Penal Rent and Rs. 1980/- as Arrear Damage Rent for the Month of October 2008 to November 2008 and it continued upto January 2009 to February 2009. Immediately after getting the salary slip for the month of October 2008 to November 2008 the applicant again preferred representation dated 18.11.2008 before the Divisional Railway Manager (P), N.F. Railway, Rangia requesting him to intervene into the matter. The applicant once again preferred representation dated 11.12.2008 before the Divisional Railway Manager (P), N. F. Railway, Rangia for regularization of allotment of his quarter to retain him as authorized occupant w.e.f. 24.7.2008 on the event of re-transfer from Rangia to New Bonagaigaon and to stop deduction of damage rent but the respondents have not taken any action till date. Hence this application.

Filed by  
Usha Dev  
Advocate  
05/5/09

Filed by  
The applicant/Thakur  
Mukherjee  
Advocate  
05/05/2009.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

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

OA NO. 82 /2009

BETWEEN

Shri Pradip Kumar Ghosh

Son of Late Mahesh Chandra Ghosh

Working as Head Train Clerk

In the Office of the N. F. Railway, New Bongaigaon

Resident of Vill- New Bongaigaon B. G.

Colony Rly Qtr. No. 112/B

P.O.- New Bongaigaon,

P.S. Dhaligaon,

Dist- Bongaigaon, Assam

केन्द्रीय प्रशासनिक अधिकारी बोर्ड  
Central Administrative Tribunal

- 5 MAY 2009

गुवाहाटी ब्याब्पीठ  
Guwahati Bench

.....Applicant

-VERSUS-

1. Union of India

Represented by the Secretary to The  
Ministry of Railway, Govt. of India,

New Delhi-110001

2. The General Manager, N.F. Railway, Morigaon, Guwahati - 11

3. The Divisional Railway Manager (Personal),

N. F. Railway, Rangia Division, Rangia, Assam

P.O. Rangia,

Dist- Kamrup, Assam PIN- 781354.

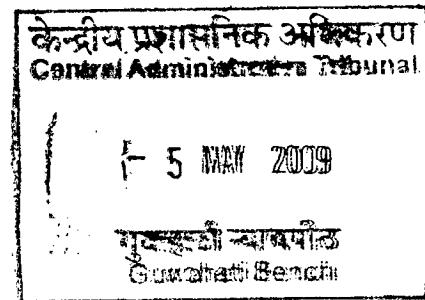
4. The Divisional Personal Officer,

N. F. Railway, Rangia Division

Pradip K. Ghosh.

P.O.- Rangia  
Dist- Kamrup, Assam PIN 781354.

5. The Area Manager,  
N.F. Railway, New Bongaigaon,  
P.O. -New Bongaigaon  
Dist- Bongaigaon, Assam PIN 783380  
.....Respondents



### PARTICULARS OF THE APPLICATION

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

This application is directed against the impugned action of the respondents deducting Penal Rent from the salary of the applicant against Type II Qtr. No. 112/B, New Bongaigaon B. G. Colony.

#### 2. JURISDICTION

The applicant further declares that the subject matter of the instant application is well within the Jurisdiction of the Administrative Tribunal.

#### 3. LIMITATION:

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

#### 4. FACTS OF THE CASE:

4.1) That the applicant is a citizen of India being the permanent resident of New Bongaigaon, B.G. Colony, P.O. New Bongaigaon, District- Bongaigaon,

Prodip Kr. Ghosh.

5 MAY 2009

গুৱাহাটী ন্যাশনোৱ  
Guwahati Bench

Assam, as such he is entitled to all the rights, privileges and protections as guaranteed under the Constitution of India and Laws framed there under.

4.2) That the applicant entered into the services of the respondents as Junior Trains Clerk in the Office of the N.F. Railway, New Bongaigaon on 26.1.1990. The applicant promoted to the post of Senior Trains Clerk and again promoted to the post of Head Trains Clerk in the month June 1997 and has been continuing in that post till date.

4.3) That the applicant begs to state that the CTNC/BG/IC/NBQ issued a letter No. CTN/BG/NBQ/07 dated 06.6.2007 advising the applicant to attend CTNC/BG/ NBQ's office for joining duty at once as the joining permission had already been obtained from Sr. DOM/RNY. Immediately after receiving the letter dated 06.6.2007 the applicant joined his duty station on 07.6.2007 at New Bongaigaon. It is pertinent to mention here that on the same day i.e. 07.6.2007 the Chief Trans Clerk, In-Charge, New Bongaigaon issued a letter No. CTN/NBQ/TP/1/07 (.) transferring the applicant from New Bongaigaon to Rangia on administrative ground and the applicant accordingly gave his joining report at Rangia. It is also noteworthy to mention here that respondents have issued the transfer order dated 07.6.2007 implementing an order bearing No. E/254/RN/OpiG.05 (Tr.) D dated 07.4.2005, which has been passed on the same day of joining the duty. From above facts and circumstances it is very clear that the respondents have issued the transfer order dated 07.6.2007 only to harass applicant. Since the applicant is a sincere and dedicated employee of the respondents he has carried out the order immediately without any protest.

Copies of the letter dated 07.4.2005 and 07.6.2007 are annexed herewith and marked as Annexure- 1 and Annexure- 2 respectively.

Prodrup Kumar Ghosh.

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Guwahati Bench

4.4) That the applicant begs to state that the applicant has got his widow mother, wife and two daughters aged about 12 years and 9 years who are studying in Kendriya Vidyalaya Sangathan, Boangaigaon. After the transfer to Rangia the applicant on 23.8.2007 preferred a representation before the respondents to allow him to retain his quarter at New Boangaigaon as the transfer order was issued in mid academic session and there is no School of Kendriya Vidyalaya at Rangia. The applicant also filed representation dated 08.9.2007 before the Chief Personnel Officer, N.F. Railway, Maligaon requesting him to transfer the applicant from Rangia to New Bongaigaon as there was no male member in his family. Getting no response from the authority the applicant also sent reminder dated 29.10.2007 as at the time of transfer of the applicant both the daughters were reading at class IV and class III. While considering the request of the applicant the respondents have issued the Office Order No. T/262/Retention/Qtr/Pt.II dated 05.11.2007 allowing the applicant to retain in his quarter at New Bongaigaon for a period of eight month for the purpose of Children education from the date of joining at Rangia i.e. 08.6.2007

Copies of the application for retention dated 3.8.2007, representation dated 08.9.2007, reminder dated 29.10.2007 and the office order dated 05.11.2007 are annexed herewith and marked as Annexure-3, 4, 5 & 6 respectively.

4.5) That the applicant begs to state that immediately after expiry of the period of retention the applicant once again preferred representation dated 18.2.2008 dated praying for extension of the retention period upto April/2009 because both the daughters were studying at primary level and at that time it was not

Prodipt Kr. Gosh.

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possible to change the school. The respondents have not intimated the applicant anything regarding decision on the prayer for extension as prayed for in the representation dated 18.2.2008. Since the applicant was residing in rented house at his place of posting i.e. Rangia and the only quarter was in his occupation at New Bongaigaon, he had a strong impression that being model employer the respondents would permit the applicant to retain the quarter at New Bongaigaon till completion of his daughters academic session.

A copy of the representation dated 18.2.2008 is annex herewith and marked as Annexure- 7.

4.6) That the applicant begs to state that applicant was shocked and surprised to see the salary slip for the month of February 2008 to March 2008 the respondents have deducted arrear rent of Rs. 648/- without giving prior notice to that effect. When the applicant wanted to know the reason for the deduction of arrear rent the respondents just denied explaining the same. The applicant was again shocked when he saw the salary slip for the Month march to April 2008 wherein the respondents deducted Rs. 3960/- as Penal Rent and Rs. 1093/- as Arrear Rent. The respondents continued to deduct the Penal Rent and Arrear Rent at the same rate till July 2008 to Aug 2008. When the applicant approached the respondents to know the reason for Penal Rent the respondents kept silence. It is pertinent to mention here that no order of deduction has been issued till date.

4.7) That the applicant begs to state that the applicant has been transferred from Rangia to New Bongaigaon vide Office order No. ET/RN/283/TNC dated 14.7.2008 and speared on 23.7.2008. The applicant has joined his duty at New Bongaigaon on 24.7.2008. Since the applicant re-transferred to New Bongaigaon the applicant was under impression that no further recovery

Prodyut K. Ghosh.

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Guwahati Bench

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would be made thereafter. After joining his duty at New Bongaigaon, in the salary slip for the month of August 2008 to September 2008 and September 2008 to October 2008 i.e. for 2 (two) months the respondents deducted the normal rent of Rs. 108/-.

Copies of the Monthly pay slips from are annexed herewith and marked as Annexure- 8 series.

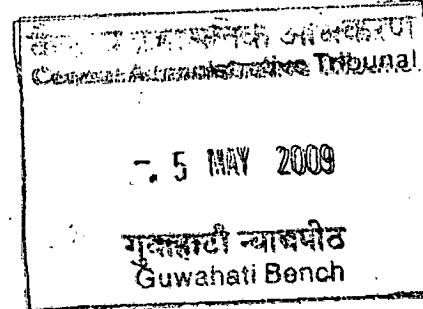
4.8) The applicant filed a representation dated 20<sup>th</sup> October, 2008 before the Senior Divisional Operating Manager, N. F. Railway, Rangia through Staff Grievance Registration for refund of the Penal Rent against the quarter in his occupation but the respondents have not disposed of the same till date.

The representation dated 20.10.2008 along with the slip of Staff Grievance Registration are annexed herewith and marked as Annexure- 9.

4.9) That the applicant begs to state that all of a sudden the respondents have once again started deduction at the rate of Rs. 3960/- as Penal Rent and Rs. 1980/- as Arrear Damage Rent for the Month of October 2008 to November 2008 and it continued upto January 2009 to February 2009 i.e. for 4 (four) months. Immediately after getting the salary slip for the month of October 2008 to November 2008 the applicant again preferred representation dated 18.11.2008 before the Divisional Railway Manager (P), N.F. Railway, Rangia requesting him to intervene into the matter. It is also requested to refund the deducted amount as stated in the representation. In the said representation the applicant also highlighted the fact that before deduction of Panel Rent neither prior notice was given nor the respondents replied to the representations filed by the applicant.

A copy of the representation dated 18.11.2008 is annexed herewith and marked as Annexure- 10

Prodipto K. Ghosh.



4.10) That the applicant begs to state that the applicant once again preferred representation dated 11.12.2008 before the Divisional Railway Manager (P), N. F. Railway, Rangia for regularization of allotment of his Qtr. No. 112/B-type II (Elec) at B.G. Colony/NBQ treating him as authorized occupant w.e.f. 24.7.2008 on the event of re-transfer from Rangia to New Bonagaigaon and to stop deduction of damage rent. Like previous occasions this time also the respondents did not give any reply to the same. From the month of February 2009 to March 2009 to till date the respondents have deducted Rs. 3960/- as Penal Rent every month and stopped deducting the Arrear Damage Rent.

Copies of the representation dated 11.12.2008 and the photocopies of the salary slips are annexed herewith and marked as Annexure- 1<sup>1</sup> and 1<sup>2</sup> series respectively.

W.M

4.11) That the applicant begs to state that for genuine and valid reason, he requested the respondents for extension of retention of his Quarter upto April 2009 but the respondents did not consider his prayer at all. The applicant from time to time represented the concerned authority by way of filing representations but the respondents have never considered any of the representations. The action of the respondents clearly shows the vindictive attitude towards the applicant.

4.12) That the applicant begs to submit that while deducting the Penal Rent the respondents neither disposed of the representations pending before them nor the applicant was informed. Due to such huge deduction of pay the applicant has been facing tremendous financial hardships. Although the applicant repeatedly asking the respondents the reasons for deduction of Penal Rent as

Prodip Kumar Ghosh.

well as Damage Rent but the respondents have never cared to give reply against any of the representations. As natural justice has been denied to the applicant in the instant case, deduction of Penal Rent is not at all sustainable in the eye of law hence liable to be set aside.

4.13) That the applicant begs to submit that the Penal Rent shown in the pay slip is not at all tenable. Penal Rent is double the Normal Rent and the Normal Rent is Rs. 108/- But the respondents are deducting the amount of Rs. 3,960/- (Rupees three thousand nine hundred and sixty) as Penal Rent, which is much bigger amount than the normal Penal Rent. Again the applicant has failed to understand the action of the respondents in deducting the amount of Re. 1980/- in the name of Arrear DR. The respondents have never disclosed the reason for deduction and have been deducting the huge amount every month from the salary of the applicant without giving prior notice, hence the entire action of the respondents is not at all sustainable in the eye of law. The Hon'ble Tribunal may be pleased to set aside and quash the illegal and arbitrary deduction of pay of the applicant from February-March, 2008 to August-September 2008 and September-October 2008 to March- April 2009.

4.14) That it is noteworthy to mention here that the respondents have never pass order of deduction hence the applicant had no occasion to know the reason for such deduction. Although the applicant approached the respondents repeatedly by way of filing representations, the respondents have never disclosed the reasons for deduction. Hence the applicant is fully in dark against the entire action of the respondents.

4.15) That the applicant has approached the respondents with his genuine grievance, but the respondents have never considered the prayer of the applicant hence the applicant has filed this Original Application before the Hon'ble Tribunal seeking appropriate relief in the instant case.

Prodip Kon. Ghorsh.

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4.16) That the present application has been filed bona fide and to secure ends of justice.

**5. ROUNDS FOR RELIEF WITH LEGAL PROVISION:**

5.1. For that the action/ inaction on the part of the respondents are illegal and arbitrary and violative of Article 14 and 16 of the Constitution of India and hence same are liable to be set aside quashed.

5.2. For that the applicant carried out the order of transfer dated 23.7.2007 transferring the applicant from New Bongaigaon to Rangia without any protest. Since the daughters of the applicant was studying at, Kendriya Vidyalaya, New Baogaigaon, he prayed before the respondents by filed representations for extension of retention of his quarter at New Bonagaon. But the respondents never considered his prayer for retention and started recovering Penal Rent at tune of Rs. 3,960/- and Rs. 1980/- per month, which is illegal, arbitrary and violation of natural justice. The action of the respondent is not tenable under eye of law, hence liable to be set aside and quash.

5.3. For that the applicant was in occupation of single quarter at New Bongaigaon, where his ailing widow mother, wife and two small daughters were residing. Since the transfer order was passed during mid academic session of the small school going daughters the applicant wished to keep his daughters at New Bongaigaon so that they could prosecute their studies without break. The applicant also filed representations requesting the respondents to transfer him to New Bongaigaon so that he could look after his family but the respondents never replied to any of such representations and started deduction of Penal Rent at the rate of Rs. 3960/- and Rs. 1980/- per month.

Proddip Kr. Ghosh.

- 5 MAY 2009

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Guwahati Bench

5.4. For that after re-transfer of the applicant from Rangia to New Bongaigaon the respondents stopped deduction of Penal Rent for two months (i.e. July-August, 2008 and August-September, 2008) and after that again started deduction at the rate of Rs. 3,960/- and Rs.1980/- per month without any reason. In the mean time the applicant preferred presentation dated 20<sup>th</sup> October 2008 for refund of the entire amount deducted from the salary of the applicant but respondents did not give any reply. The applicant once again filed representation dated 18<sup>th</sup> November 2008 against the deduction of Penal Rent and on 11<sup>th</sup> December 2008 he prayed for regularization of his quarter but the respondents kept both the representations in cold storage without any reply. Even after repeated requests, the respondents did not dispose of any of the representations giving reason for deduction. The entire action of respondents is illegal, arbitrary and in violation of natural justice which can not sustain in the eye of law hence liable to be set aside and quash.

5.5. For that the applicant has got the right of fair consideration of his representations. Being Railway employee the applicant is entitled to get a Railway quarter and after joining at New Bongaigaon he has been occupying the same quarter hence the respondents are erred in law in deducting the Penal Rent from the applicant without disposing of the representations, hence the action of the respondent is not sustainable in the eye of law and liable to be set aside and quash.

5.6. For that the respondents have been deducting from his salary every months without passing any order or disposing of his representations. Each and every occasions the applicant has been representing before the respondents but the respondents while violating his natural justice have never given reply to his representations hence the entire action of the respondents is not sustainable in the eye of law and liable to set aside and quash.

Prodipto K. Ghosh.

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গুৱাহাটী ন্যায়পাইঠ  
Guwahati Bench

5.7. For that in any view of the matter the action/inaction on the part of the respondents are not sustainable in the eye of law and liable to be set aside and quashed.

The applicant craves leave of this Hon'ble Tribunal to advance more ground both legal and factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

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

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

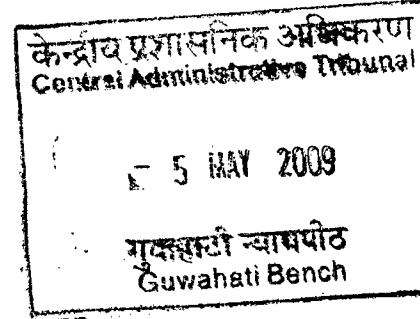
The applicant further declares that he has not filed previously any application, writ petition or any suit regarding the grievances in respect of which this application is made before any court or any other Bench of the Tribunal or any other authority not any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances narrated above, the applicant most respectfully prayed that the instant application be admitted, records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant: -

8.1) Direct the respondents to stop the deduction of Penal Rent as well as Arrear Damage Rent from salary of the applicant with immediate effect.

Prodipto K. Ghosh.



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8.2) Direct the respondents to refund the entire amount of deduction with interest @ of 12% per annum.

8.3) Direct the respondents to pay cost of the application.

8.4) Pass any other such order/orders as may be deemed fit and proper.

9) **INTERIM ORDER PRAYED FOR:**

The applicant in the facts and circumstances of the case the applicant prays for an interim order directing the respondents not to deduct the Penal Rent from the salary of the applicant till disposal of the instant Original Application.

10) .....

11) PARTICULARS OF THE POSTAL ORDER:

- i) IPO No.: - 39 6 398263
- ii) Issued from: - 16/2/2009.
- iii) Payable at- Guwahati.

12) DETAILS OF INDEX:

An Index showing the particulars of documents is enclosed.

13) LIST OF ENCLOSERS:-

As per Index.

Pradip K. Ghosh.

- 5 MAY 2009

गुवाहाटी न्यायपीठ  
Guwahati BenchVerification

I, Pradip Kumar Ghosh, Son of Late Mahesh, aged about, 47 year, presently working as head Trains Clerk, in the office of the Divisional Railway Manger (P), N. F. Railway, Rangia Division, Rangia at New Bongaigaon, who applicant in the present application hence competent to sign the verification and so hereby solemnly affirm and state that the statement made in paragraph....., 2, 3, 4, 1, 4, 2, 4, 11 To 9..... are true to my knowledge and belief, those made in paragraph 1, 4, 3, 4, 5, 4, 10..... are matter of records, are true to my information derived there from and the rests are my submission before this Hon'ble Tribunal. I have not suppressed any material fact before the Hon'ble Tribunal.

And I sign this affidavit on this 24<sup>th</sup> day of April 24, 2009 at Guwahati.

Pradip K. Ghosh.

DEPONENT

As Mr. issued on 7.4.05

N.F.Railway

14-

Office of the  
DRM (P)RNY

Annexure  
केन्द्रीय रेलवे  
Central Administration

5 MAY 2005

OFFICE ORDER

The following transfer/posting orders are issued to take immediate effect.

1. Shri Birendra Baruah, C/Man-II/KBY in scale Rs. 3050-4590/- is hereby transferred and posted at RPAN under SS/RPAN in his same pay and scale on administrative ground.
2. Shri D.K. Dalmiya, C/Man-II/DKJR in scale Rs. 3050-4590/- is hereby transferred and posted at RPAN under SS/RPAN in his same pay and scale on administrative ground.
3. Shri T. Hapse, C/Man-II in scale Rs. 3050-4590/- is hereby transferred and posted at KBY under SS/KBY in his same pay and scale on administrative ground.
4. Shri Bankar Kurmakur, C/Man-II/RPAN in scale Rs. 3050-4590/- is hereby transferred and posted at KBY under SS/KBY in his same pay and scale on administrative ground.
5. Shri Dilip Prasad, C/Man-IV/RPAN in scale Rs. 3050-4590/- is hereby transferred and posted at DKJR under SS/DKJR in his same pay and scale on administrative ground.
6. Shri Padmaswar Nath, Gateman-IV/MJBT in scale Rs. 2610-3540/- is hereby transferred and posted at RPAN under SS/RPAN in his same pay and scale on his own request.
7. Shri T.R. Saharia, Gateman-IV/TNL in scale Rs. 2650-4000/- is hereby transferred and posted at MJBT under SS/MJBT in his same pay and scale on his own request.
8. Shri Dibendra Das, P/Man'B'/BJF in scale Rs. 2650-4000/- is hereby transferred and posted at DTIX under AM/NBQ at BRPL siding in his same pay and scale on his own request.
9. Shri Dharani Shikha, P/Man/B/PBL in scale Rs. 2650-4000/- is hereby transferred and posted at OPZ under SS/GPZ in his same pay and scale on his own request.
10. Shri Gobardhan Mahato, P/Man-III/B/PRD in scale Rs. 2650-4000/- is hereby transferred and posted at OPZ under SS/GPZ in his same pay and scale on his own request.
11. Shri P.J. Kakati, Gateman-IV/RNCI in scale Rs. 2650-4000/- is hereby transferred and posted at AZA under SS/AZA in his same pay and scale on his own request.
12. Shri P.K. Ghosh, Hd/TNC/NBQ under CYM/NBQ in scale Rs. 5000-8000/- is hereby transferred and posted at RNY under SS/RNY in his same pay and scale on administrative ground.
13. Shri Baran Rao, Jr./P/Man/SIB in scale Rs. 3050-4590/- is hereby posted at BPRD under SS/BPRD in his same pay and scale on his own request.
14. Shri Gopesh Baruah, YM/NBQ in scale Rs. 3550-5000/- is hereby transferred and posted at RNY under SS/RNY in his same pay and scale on administrative ground.
15. Shri Jogesh Kalita, Gateman-II/NLV in scale Rs. 2610-3540/- was promoted to the post of P/Man'B' in scale Rs. 2650-4000/- and directed to be posted at BRPL siding at DTIX under AM/NBQ. vide this O/O No:E/283/UN/Promotion/Optg/40 DT. 04/02/05 is now hereby posted at TIIU under SS/TIIU as P/Man'B' in scale Rs. 2650-4000/- on his own request.
16. Shri Sadhan Ch. Das, Gateman-II/TIIU in scale Rs. 2610-3540/- is hereby transferred and posted at BNGN as Rg./Gateman/BNGN under SS/BNGN in his same pay and scale on his own request.

Composite grant, T/Pass, PL etc. are admissible of the above staff as per extant Rule  
This is issued with the approval of Competent Authority.

No.E/254/UN/Optg/05 (Tr.) Dtd. 07.04.2005  
Copy forwarded for information and necessary action to :-

For DRM (P)RNY

1. ADRM/RNY w/ADPDI
2. AM/NBQ, RPAN
3. AOK/RNY
4. BAN, MUSI, BJR, CYM/NBQ, TIIU, RPAN, NBQ
5. DRM (P)ET BII/ADPDI
6. SS/KBY, DEJR, TIIU, NLV, PRCI
7. Staff copy
8. P/Case

For DRM (P)RNY

Attested  
Elsha Bar  
Advocate

No : CTN/NBQ/TP/1/07(.)

## प्रशासनिक अधिकारी Administrative Tribuna

- 5 MAY 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

Office of the  
CINCA/CNBQ  
Dt. 07-06-2007.

To  
Shri P.K.Ghosh  
Hd.TNC/NBC

### Sub : Transfer & Posting.

You are hereby spared and directed to SS/RNY to carryout your Transfer & posting order vide DRM(P) RNY'S office order No. E/254/RN/Optg.05 (Tr) D dt. 07/04/2005.

Particulars are given below :

1. Rly Qr No - 112/B type - II at BG Colony/NBQ Occupation.
2. Passes & PTO'S under account of AM/Office/NBQ.
3. CL not availed during the year '07

~~Ex- 11/10 HR. 05-06 07/06/07~~ (P. K. Ch. 8) - 11/10 HR. 05-06 07/06/07 (P. K. Ch. 8) - 11/10 HR. 05-06 07/06/07 (P. K. Ch. 8) -

Report No. 101/PC/07  
SI 07/06/07. → 20 (not want of proper framing.)  
To. Mr. K. Ghosh. HCP/INC/100/100

you are hereby granted to run to carry out your  
functions and posturing under 33/Run ride DRN (b) Run  
C.C. no E/054/Run/0079/03 (TR) D dt 107/01/2005.  
in 2nd class

This will pass thru NBO to RNY <sup>in 2nd class</sup> 1st available  
by train on 08/06/2007 according to C.

Acted  
Elisha Dan  
Advocate

१०८ दाद नामांकन  
Chichiriai लक्ष्मी  
१०९ वीरेन्द्र, नव बप्पामुख  
क. B. Rly. New Bongali

**APPLICATION FORM FOR RETENTION OF QRS. AFTER  
RETIREMENT/TRANSFER ETC.**

1. Name in Block letter : PRODIP KR. GHOSH.
2. Date of Birth : 01-03-1961.
3. Designation : I.D.T.NC/RNY.
4. Date of Appointment : 28-01-1990.
5. Controlling Officer : C.R. DOM/RNY.
6. Qrs. No. Type & Location : 112/B, TYPE - II, B.G. Colony, NBQ.
7. Pooled Non pooled : NON Pooled.
8. Allotment order reference : NO. Qrs/Allot/NBQ/93, Dated. 27-11-93.
9. I have been/will be/retiring on transferred to RNY.  
as I.D.T.NC on 08-06-2007.

10. Kindly permit me to retain the above accommodation for a period of :-  
24 months from 08-06-07 to 07-06-09.

11. Next months from to

12. Sickness of does not arise.

13. Academic session of 01-01-2007 (Both daughters Priya & Shreya  
Reading in Kendriya Vidyalaya, NBQ) Xerox copy already attached.  
(Please furnish the name, relationship and supporting certificate(s) from the  
Rly. Doctor/or Head of the Institution for 12,13 above).

Prodip Kr. Ghosh.  
Signature of the applicant  
Date 23-08-2007.

Forwarded to DRM/ADRM for their consideration by preparing officer for considering.

केन्द्रीय प्रशासनीय बोर्ड के लिए बिल का तैयार करने वाले अधिकारी के द्वारा तैयार किया गया बिल	
Central Administrative Tribunal	
- 5 MAY 2009	
गुवाहाटी न्यायालय	
Guwahati Bench	

(Controlling Officer)  
(Name in capital)  
(Designation)

**INTHOUSING SECTION**

Date of receipt :-

Entered in register No :-

Under No. / of office

OS/Housing

Order of DRM/ADRM

DRM/ADRM.

The application on should be put up by the respective bill-preparing  
officer through relevant file to housing section for DRM/ADRM approval  
with correct particulars.

Attested  
Gsha Das,  
Advocate

Date: 08/09/2007.

RECORD

To,  
The Chief Personnel Officer,  
N.F. Railway, Maligaon.

Through : Proper Channel.

Sir,

Sub: Transfer from NBQ to RNY as ordered  
retaining the juniors at NBQ.

Re:xx

I have the honour to state that I was working at NBQ as a Hd. TNC.

But all on a sudden my transfer to RNY was ordered vide DRM(P)/RNY's letter No. E/254/RNY/Op/Tr/05 dated 07/04/05.

Sir I preferred appeal for my retention at NBQ for the obvious reason of my daughters education. Both of them are students of the Kendriya Vidyalaya, New Bongaigaon. Xerox copy of the Certificate to this effect issued by the Principal of Kendriya Vidyalaya, New Bongaigaon is enclosed herewith.

Sir, the matter is seemed to be improper treatment to me as the transfer was ordered retaining my juniors at NBQ. My juniors as under are retained at NBQ.

- (1) Shri Monaj Kr. Mahanta (Sl.No 20 of the S/list dated 01/04/2006).
- (2) " Uday Chowdhury (Sl. No.22 of the S/list dated 01/04/2006).
- (3) " Sankar Mahanandy (Sl.No.23 of the S/List dated 01/04/2006).

So, I pray for proper justice, I have carried out the transfer order and joined at RNY whatever there had been impropriety in dealings. I have been working at RNY.

I pray that I may please be transferred back to NBQ as early as possible so that my daughters' education is not interrupted.

I shall remain ever grateful for which act of kindness.

Encl: One.

Yours faithfully,

P. K. Ghosh

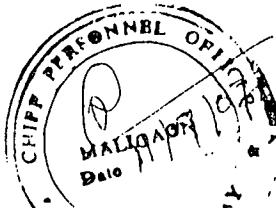
( PRODIP KR. GHOSH )  
Hd. TNC/RNY,  
Under SS/RNY.

Copy to:

DPO/RNY/N.F.Rly.  
in advance seeking early favourable action.

P. K. Ghosh  
Hd.TNC/RNY.

Station Superintendent  
G. S. T. Rly., Rangia  
F. Railway, Rangia in  
G. S. T. Rly., Rangia in  
F. Railway, Rangia in



Attested  
Ghosh  
P. K.

REMINDED.

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RECORD

To,  
The Chief Personnel Officer,  
N.F. Railway, Maligaon.

Through Proper Channel.

Dated, RNY, the 29th. Oct/07.

Sir,

5 MAY 2009

গুৱাহাটী আৰু পৰিচাৰ  
Guwahati Bench

Sub: Transfer from NBQ to RNY as ordered  
retaining the juniors at NBQ.

Ref: IRM(P)/RNY's letter No. E/254/RN/Optg.05(02)D  
dated 07/04/05.

I have the honour to state that I preferred an appeal to your honour through proper channel as well as sent a copy thereof to your honour direct by post dated 08/09/07. But, I have not yet received any reply even.

Sir, my transfer from NBQ to RNY on same post and pay is not an usual transfer while the juniors are retained at NBQ. I, however, showed due regard to the said order of the officer and carriedout transfer to RNY.

Sir, it is not understood as to what was the ground behind my such unusual transfer.

However, I once again pray that justice-denied to me may please be restored early by re-transferring me to NBQ at the earliest possible delay.

Sir, my two daughters are reading in Kendriya Vidyalaya, New Bongaigaon in Classes III & IV respectively. Their education is being hampered much for my transfer from NBQ.

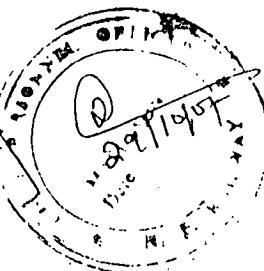
I once again, beg to state that the juniors are retained at NBQ and they are -

- (1) Shri Monoj Kumar Mahanta.
- (2) Shri Uday Chowdhury.
- (3) Shri Sankar Mahanandi.

May I, therefore, hope that your honour would be kind enough to mitigate my mental agony and financial difficulty by granting my re-transfer to NBQ at the earliest possible delay, for which act of kindness, I shall remain evergrateful.

Advance copy is sent to :-

- (1) DPO/RNY/N.F.Rly.
- (2) Sr.DOM/RNY/N.F.Rly.



Yours faithfully,

P. K. GHOSH.

Hd. INC/RNY,  
Under SS/RNY.

Attested  
Lokshon  
Adv. enc.



- 5 MAY 2009

গুৱাহাটী ন্যায়পাল  
Guwahati Bench

## OFFICE ORDER

N.F.Railway

- 19 -

Annexure 6  
35Office of the  
DRM(O)RNY

Permission is hereby accorded to the following persons to retain Railway Quarter which is mentioned against each.

Sl.No.	Name & designation	Qte.No.	Type	Location	Period of retention permission.	Purpose
1	K.K.Ghosh ASM/PTLD	608	III	BNGN	2(two) months from 7-6-07 to 6-8-07 on payment of normal rent and next 6(six) months from 7-8-07 to 6-2-08 on payment of special license fee.	Children education
2	P.K.Ghosh TNC/RNY	112/B	II	NBQ	2(two) months from 8-6-07 to 7-8-07 on payment of normal rent and next 6(six) months from 8-8-07 to 7-2-07 on payment of special license fee.	Children education
3	Masraf Ali SASM/PBL	T/137/A	II	SBE	2(two) months from 5-6-07 to 4-8-07 on payment of normal rent and next 6(six) months from 5-8-07 to 4-2-08 on payment of special license fee.	Children education
4	Dimbeswar Das ASM/THU	T-13	II	PBL	2(Two) months from 8-6-07 to 7-8-07 on payment of normal rent and next 6(six) months from 8-8-07 to 7-2-08, on payment of special license fee.	Children education
5	Rabindra Chakraborty ASM/BJF	T-20	III	BNGN	2(two) months from 7-6-07 to 6-8-07 on payment of normal rent and next 6(six) months from 7-8-07 to 6-2-08 on payment of special license fee.	Children education
6	K.B.N. Raghubanshi/ P/Guard/RPAN	131/A	II	NBQ	2( two) months from 13-7-07 to 12-9-07 on payment of normal rent and next 6(six) months from 13-9-07 to 14-3-08 on payment of special license fee.	Wife sickness

Rent of the rate shall be realized as mentioned in such in the existing QA rules from therein. This is as per approval of ADRM/RNY.

No. T/262/Retention/Qtr/Pt.II  
Dated: 05-11-2007

for DRM(O)RNY

Copy forwarded for information and necessary action to :-

1) OS/ET/Bill/RNY 2) OS/ET/RNY 3) SS/NBQ-BNGN-BJF-PTLD-SBE-PBL-THU-RNY-  
RPAN  
4) Staff concern

for DRM(O)RNY

Attested  
Usha Das  
Advocate

To  
The Divisional Railway Manager(P)  
N.F.Rly. Rangiyā.

Through : Proper channel.

Dated, Rangiyā, the 18th Feb/2008.

Sir,

Sub: PRAYER FOR GRANTING EXTENSION OF RETENTION  
OF MY RLY. QRS. NO. 112/B (TYPE-II) OF  
S.G. COLONY/NBQ.

Ref: DRM(O)RNY'S Office Order Notified under  
L/No. T/263/Retention/ars. Pt.II dated 03/11/07

I have the honour to state that the time of retention of my Qrs. No. 112/B, Type-II at NBQ was granted upto 07/02/2008 vide the above Office Order of DRM/O/RNY for my childrens education at NBQ KENDRIYA VIDYALAYA.

Sir, the Session of this Kendriya Vidyalaya is over in April of the Year. Moreover there is no Kendriya Vidyalaya at RNY. Naturally, the time granted to me may please be extended upto April/09 so that the education of my children is not disturbed and stopped.

May I, therefore, hope that my above prayer would be specially considered and the time of retention of my Qrs. at NBQ would be extended upto April/2009 as a special case and oblige.

Copy to : SR.DDM/RNY  
N.F.RLY.

Yours faithfully,  
P. K. Ghosh.  
( PRODIP K. GHOSH )  
HD. TNC | RNY  
UNDER SS | RNY.

Attested  
Abha Das -  
Advocate

18/2/08  
18/2/08  
Abha Das  
Advocate

21

N-C STAFF OF EU-211

:RNY BILL FOR: FEB 2008-MAR 2008 GU: 30001 EU: 53211 SEC:RNY SL.RN: 83 Page No: 32 RPage: 62

DEPT:020 Empno: 03146625 Empname: PRODIP KR. GHOSH F/H: LT M .C H. GHOSH Desig:HODINC R/Pay: 6500 DAYS: Pd=29.0 Unpd=0.0  
Leave Balance: LAP: 15 LMAP: 20

Pays.....	Rs Allowance	Rs Allowance	Rs Recovery	Rs Recovery	Rs Recovery	Rs Btrs	Rec	Rs Adv.	Rec	Rs B.I	Voucher/PSLIP/OFFICE
Basic	6500	D.A.	3998	GP-Pay	5672				Rent-H	108	Durga. 150 C05 BANK PAYMENT
PP-PP	150	SCA	160	PF-Sub	813			Arr. R	648		
Transp	75			VPF	5000			Water	15		
Dearne	3250			CGIS-C	30			El-Man	170		
O.T-NO	644			Prof.T	206			Arr.El	85		
ISRA	140										

Bank Code : 00046 Account No : 1102716234-7 Gross Pay : 14917 Total Deduction : 7794 NetPay : 7123  
Scalecode : 05000-08000 Next Increment Date : 01-JUN-2008 Date of Retirement : \*\*\*-\*\*\*-2000 PRIME PAYSLIP

Attested

Usha

Adv. Date

- 5 MAY 2008

Guwahati Bench

22

REG STAFF OF BU-211      Bill For: MAR 2008-APR 2008 GU: 30001 BU: 53211 SEC: RNY SL. No: 82 Page No: 32 RPage: 83

DEPT: 020 Empno: 03146625 Empname: PRODIP KR GHOSH FAH: LT M .C H. GHOSH Desig:HDTNC R/Pay: 6500 DAYS: Pd=31.0 Unpd=0.0  
Leave Balance: LAP: 0 LHAP: 0

Pays.....	Rs Allowance	Rs Allowance	Rs Recovery	Rs Recovery	Rs Recovery	Rs Gtrs Rec	Rs Adv.	Rec	Rs B_I	Voucher/PSLIP/OFFICE
Basic	6500	D.A.	3998	OP-Pay	567	①				Rent-P 3960 Durga.
PP+FP	450	SCA	160	PF-Sub	813					150 004 BANK PAYMENT
Transp	75			UPF/c	5000					
Dearna	3250			CGIS-C	30					
O.T-FD	1227			Prof.I	208					

Bank Code: 00046      Account No: 11027162347      Gross Pay: 15420 Total Deduction: 12091 Net Pay: 3329  
Scalercode: 05000-08000 Next Increment Date: 01-JUN-2008 Date of Retirement: 30-06-2008 PRIME PAYSLIP

দেশীয় প্রশাসনিক বিভাগ  
Central Administrative Board  
Guwahati, Assam

5 MAY 2009

গুৱাহাটী ন্যাপেট  
Guwahati Bench

Attested  
Jyoti Baruah  
Advocate

W.H. STAFF OF SU-211

R.H.Y. BILL FOR APR 2008-JAY 2008 SUR: 10601 SU: E3211 SEC: R.H.Y. SL.No: 82 Page No: 31 RPage: 32

DEPT:0000 Empno: 03146625 Enname: PRODIP NR. CHOCH F/H: LT A.C.H. CHOCH Design: HOD/NC R/Pay: 6500 DAYS: P=30.0 Uper=0.0

Leave Balance: LAF: 0 LHF: 0

Pays.....	Rs Allowance	Rs Allowance	Rs Recovery	Rs Recovery	Rs Recovery	Rs Otrs Rec	Rs Adv. Rec	Rs E_I	Voucher/PAYSLIP/OFFICE
Basic	6500 D.A.	4583	GP-Pay	567		Rent-P	3960 Durga.	150 003	BANK PAYMENT
PF-PP	150 Arr.D.	1765	PF-Sab	613		Arr.Re	1093		
SDA	160		VPF	5000		Water	15		
Transp	75		CGIS-C	10		El-Han	170		
Dearns.	3650		Prof.T	208		Arr.EI	65		
NRA	220								

Bank Code : 00046 Account No : 11027162347 Gross Pay : 16753 Total Deduction : 12091 NetPay : 4662  
Scalecode : 05000-08000 Next Increment Date : 01-JUN-2008 Date of Retirement : ~~1999-09-01~~ PRIME PAYSLIP

Page	- Gross Pay :	54678 Total Deduction :	19392 Netpay :	55226
Carry Forward	- Gross Pay :	569314 Total Deduction :	160343 Netpay :	533471

5. MAY 2009

বাবু প্রাপ্তি  
Guwahati Bench

Altered  
Maha Dm.  
Advocate

Annexure 8 Serial

39

Annexure - 8  
40 Series

29

W-6 STAFF OF RU-211

DEPT:020 Emplno: 03146625 Empname: PRODIP KR GHOSH F/H: LT M. J.C.H. GHOSH Design:HTMNC Payday: 6500 DAYS: Fd=31.0 Unpss=0.0  
Leave Balance: LHR: 15 LMAP: 10

Bank Code : 00046 Account No. 11

Bank Code : 00046 Account No : 11027162347 Gross Pay : 16320 Total Deduction : 11524 Net Pay : 5296  
Scalecode : 05000-08000 Next Increment Date : 01-MAY-2009 Date of Retirement : ~~2009-05-01~~ PRIME PAYSLIP

GENERAL ADMINISTRATION

5 MAY 2009

## गुवाहाटी न्यायालय

Attested  
Alsha Das  
Advocate

25

N-C STAFF(COPM) OF BU-211 : RNY. Bill For: JUN 2008-JUL 2008 GU: 30001 BU: 53211 SEC: RNY SL.No: 83 Page No: 35 RPage: 84

DEPT:020 Empno: 03146625 Empname: PRODIP KR GHOSH F/H: LT M. C H. GHOSH Desig:HOD/NC R/Pay: 6500 DAYS: P=30.0 Unpa=0.0

Leave Balance: LAPP: 15 LHPA: 10

Pay	Rs Allowance	Rs Allowance	Rs Recovery	Rs Recovery	Rs Recovery	Rs Etrs	Rs Adv.	Rec	Rs B_I	Voucher/PSLIP/Office
BASIC	6500	D.A.	4593	PF-Sub	813	Rent-F	3960	Durga.	150	001 BANK PAYMENT
PF-PP	150	SCA	160	VPF	5000	Am.Rs	1091			
Transp.	75			CGIS-C	30	Water	15			
Dearne	3250			INST R	5	El-Man	170			
O.T-NJ	1328			Prof.T	208	Am.EI	85			
M.H	140									

Bank Code : 000465 Account No : 11027162347 Gross Pay : 16186 Total Deduction : 4559 11527 NetPay : 4559  
Scalecode : 05000-02000 Next Increment Date : 01-MAY-2009 Date of Retirement : 23-FEB-2021 PRIME PAYSILIP

केन्द्रीय प्रशासनिक अदान्तराल  
Central Administrative Tribunal

5 MAY 2009

गुवाहाटी बाबपती  
Guwahati Bench

Altered  
Bela Dass  
Adwo

Annexure-2  
Series

26

REG STAFF (CONT) OF BL-211 : RNY Bill For: JUL 2008-AUG 2008 OUT: 30001 BU: 53211 SEC: RNY SL.No.: 83 Page No.: 34, NPage: 77

DEPT:020 EMPNO: 0314625 Employee: PRIDIP KR. GHOSH F/H: LT R. J.C.H. GHOSH Desig:HODTN, R/Pay: 6650 DAYS: Fi=31.0 Upd=0.0

Leave Balance: LAV: 30 LHRP: 20

Fays.....	Rs Allowance	Rs Allowance	Rs Recovery	Rs Recovery	Rs Recovery	Rs Qtrs Rec	Rs Adv. Rec	Rs B_I	Voucher/PSI/IF/OFFICE	
Basic	6650	D.A.	483	FF-Sub	831			Rent-P	3960	Burga. 150
PF+P	150	SCA	160	VPF	5000			Water	15	DARK PAYMENT
Transp	75			CGIS-C	30			El-Man	170	
Deanne	3525			INST R	5			Arr.EI	85	
				Prof.T	203					

Bank Code : 00046 Account No : 11027142347 Gross Pay : 15048 Total Deduction : 10454 Net Pay : 4594  
Baleno Date : 05000-05000 Next Increment Date : 01-JUN-2009 Date of Retirement : 28-FEB-2021 PRIME PAYSLIP

संघीय प्रशासनिक अदालत  
Central Administrative Tribunal

25 MAY 2009

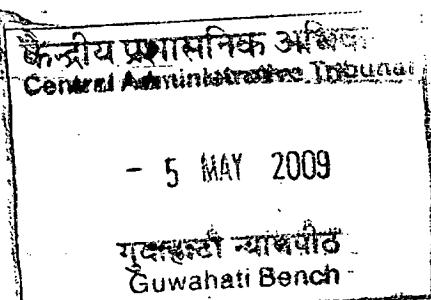
जनकी नगरपाली  
Guwahati Bench

Attested  
Alka Dev  
Adwo. etc

27

R-C STAFF OF EX-227 : BAGH Bill Period 0000-SEP 2009 BUV 30001 BUV 53227 SEC1862 SL.Nov 28 Page No: 7 Page: 417  
 DEPT:010 Empno: 03146625 Empname: PRODIP KR GHOSH F/H: LT R J.H. GHOSH Design:HDTHC R/Fay: 6650 DAYS: Pd=31.0 Unpd=0.0  
 Pays.....Rs Allowance Rs Allowance Rs Recovery Rs Recovery Rs Recovery Rs Etch Rec Rs Adv. Rec Rs D\_I Voucher/POLIP/Office  
 Basic 6650 D.A. 4628 PF-BUS 631 Rent: 103 BANK PAYMENT  
 PF-PR 150 SOA 160 U/SF 6000 Water 15  
 Acc. P 734 Acc. S 356 GSIS-2 50 El-Har 242  
 Acc. S 457 Trans 75 DST R 5 Am. El 5  
 Dearne 3325 Prod.7 208  
 DURGA 1500  
 NDA 462  
 NHA 140

normal el.amt : 242 stymm : 200808 endymm : 200901 arrear el.amt : 5 stymm : 200808 endymm : 200901  
 Bank Code : 00046 Account No : 11027162347 Gross Pay : 18277 Total Deduction : 6442 Net Pay : 11835  
 Scalecode : 05000-03000 Next Increment Date : 01-JUL-2009 Date of Retirement : 28-FEB-2021 PRITE PAYSLIP



Attested  
Leha Son  
Advocate

Annexure-8  
Series  
W.M.

28-

H-G STAFF OF BU-227

DEPT:020 EmpNo: 0314635 EmpName: PRUDIP K. GHOSH F/H: LT R. C.H. GHOSH Desig:HDTAC R/Pay:13020 DAYS: Pg=30.0 Unpg=0.0  
Pays.....Rs Allowance Rs Allowance Rs Recovery Rs Recovery Rs Recovery Rs Otrs Rec Rs Adv. Rec Rs B.I. Voucher/POLIP/OFICE

Basic 13020 D.A. 2755

PF-Sub 1435

Rent-N 103

BANK PAYMENT

PF-PP 150 SCA 320

VPF 5000

Water 15

Arr. P 1190 Transp. 923

CGIS-C 30

El-Han 242

Gradep 4200

IAST R 5

Arr.EI 3

NDA 594

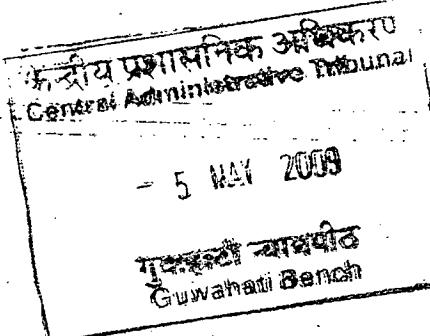
Flood 100

NRA 140

Prof.T 203

normal el.ant : 242 styyrM : 200808 endyyrM : 200901 arrear el.ant : 3 styyrM : 200808 endyyrM : 200901  
Bank Code : 00046 Account No : 11027162347 Gross Pay : 25450 Total Deduction : 7146 NetPay : 18304

Scalecode : 0930-34800 Next Increment Date : 01-JUN-2009 Date of Retirement : 28-FEB-2021 PRIME PAYSLIP



Attested  
Usha Das  
Advocate

## Staff Grievance Registration

Your Complaint has been registered. Your Registration No. is :358

Complaint No

358

Name\_Complainant

Pradip Kr. Ghosh

Designation

II d.TNC

Department

Operating

Supervisor

CYM

Station

NBQ

Nature of Complaint Prayer for refund of panel rent against Qtr No.112/B Type-II B G Colony, NBQ

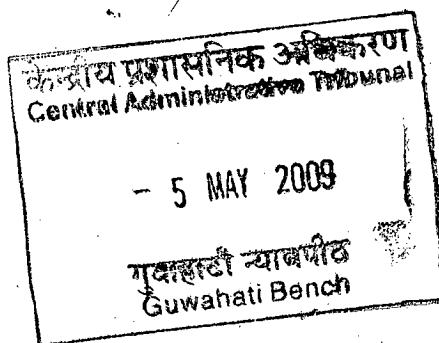
Date\_Complaint

21/10/2008

Concerned APO

APO/3

For further query contact on Railway Telephone No. 38693



Attested  
Abha son  
Advocate



To,  
The Divisional Railway Manager (P)  
N.F. Railway, Rangia Division,  
Rangia.

बहुत प्रासादिक अधिकारण  
Central Administrative Tribunal

- 5 MAY 2009

গুৱাহাটী ব্যাবস্থাপনা  
Guwahati Bench

Dated: - New Bongaigaon the 18<sup>th</sup> day of November, 2008.

Sub: - Representation regarding deduction of Penal rent  
(damage rent) against Type II Qtr. No. 112/B,  
New Bongaigaon B.G. Colony.

Respected Sir,

In reference to the above cited subject I have the honour to state that I was re-transferred at New Bongaigaon as per the direction of DRM(P)/RNY vide Letter No. EI/RN/283/TNC dtd. 14.7.08 and accordingly I have joined at NBQ on 24.7.08 in compliance to the said order and since then I have been working at NBQ. During the continuance of my service, I am got shocked to see the Present Pay Slip wherein it is seen that against my said Quarter once again Penal rent (damage rent) has been deducted, the reason behind such deduction not at all known to me. Further it is also relevant to mention here that prior to deduct such Penal rent I have not been intimated in black & white for which I suffered a lot both mentally and monetarily.

Under the above circumstances, it is, therefore request you to kindly intervene into the matter and thereafter against the said deduction with my next month salary bill by way of refunding the same in the light of above submission and thus be obliged.

Thanking you.

পুরুষ মাস্টার  
Chief Yard Master  
N.F. Rly. / রেল পুরুষ  
N.F. Rly./New Bongaigaon

Attested  
Usha Das  
Advocate

Yours faithfully,

P. K. Ghosh

(PRADIP KR. GHOSH)  
Hd. TNC/NBQ  
Under CYM/NBQ.

To,  
The Divisional Railway Manager (P),  
N.F. Railway, Rangiya.

Through: - Proper Channel.

केन्द्रीय प्रशासनिक अदायकरण  
Central Administrative Tribunal

- 5 MAY 2009

गुवाहाटी न्यायालय  
Guwahati Bench

Dated, NBQ, the 11<sup>th</sup> day of December, 2008.

Sir,

Sub: - Regularization of allotment of my Rly. Or. No. 112/B-type II (Elec) at B.G. Colony/NBQ. in my favour on re-transfer from RNY to NBQ.

I have the honour to state that I have been re-transferred from RNY to NBQ w.e.f. 24/07/2008 vide O/O No. ET/RN/283/TNC dated 14/07/2008.

I now Pray that the Rly. Or. No. 112/B-type II (Elec) at B.G. Colony / NBQ may kindly be treated as authorized occupation by me w.e.f. 24/07/2008 and accordingly the deduction of damage rent may kindly be stopped and normal rent be deducted.

Hope your kind consideration.

For forwarded  
to SDRM (P)/RNY.

11-12-08  
Chief Yard Master  
D. S. R. / N. F. Rly. / New Bongaigaon

Yours faithfully,

P. K. Ghosh  
(PRODIP KR. GHOSH)  
Hd. TNC / NBQ  
Under CYM / NBQ.

Attested  
Alsha Das  
Advocate

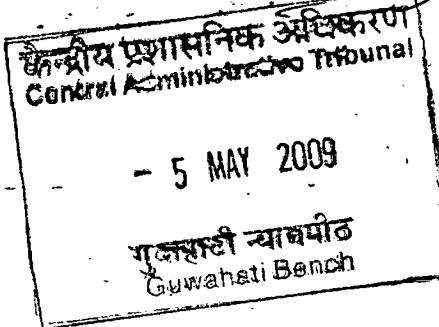
-33-

Annexure - 12 Series

गुवाहाटी न्यायालय  
Guwahati Bench

Attested  
Librarian  
Associate

50  
Annexure - 12 Series



W.E STAFF OF BU-227 PAYROLL BILL FOR NOV 2008-DEC 2008  
DEPT NO 00029 EmpNo: 03146625 EmpName: PRODIP KR GHOSH F/H: LT R.C.H. GHOSH Design: HTNC R/Fay: 12020 DAYS: 2000.00  
Allowance: Rs Allowance Rs Recovery, Rs Recovery, Rs Recovery, Rs Extra Rec, Rs Adv, Rec, Rs H.I, Lodger/Relief, T.D.  
Basic: 13020 D.A. 2755 PF-Sub 1435 Rent-P 3960 Durga. 130 008 BACK PAYMENT  
PF-PF 400 SDA 300 VPF 5000 Arre DR 1980  
Transp 923 CIS-C 30 Water 15  
Gradep 4200 INST/D 5 EI-Man 242  
NDA 726 Prof.T 203 Arri.EI 3  
NRA 140  
SP.Dut 2153

Normal el.amt : 242 stymn : 200808 endyymn : 200901 arrear el.amt : 3 stymn : 200808 endyymn : 200901

Bank Acc : 00046 Account No : 11027162347 Gross Pay : 26642 Total Deduction : 13029 NetPay : 13613

Scalecode : 09300-34860 Next Increment Date : 01-JUL-2009 Date of Retirement : 28-FEB-2021 PRIME PAYSLIP

Attested  
Usha Das  
Advocate

35

संघीय प्रशासनिक आयोग  
General Administration Tribunal **Annexure - 12** Schedules

5 MAY 2009

গুৱাহাটী ন্যায়পীঠ  
Guwahati Bench

Rehman el.almt : 242 storyml : 200308 eng... : 2003091  
Card No. : 00046 Account No. : 11007110047  
Telephone : 09300-34900 Next Invoicing Date : 01-01-04

29 GU: 30001 Sub: FD027 SEC: HPA GL: Not: 30 Page hol . . . . . 410  
27 n . . . . . 130 H. SMITH Design: HDTNC A/Pay: 13026 Date: 1-1-21 . . . . .  
very Re Recovery Re Ultra Rec Re Adv. Rec Re HII Voucher/FILIP/ATRICE  
Reinf-P 3960 Durgs. 150 007 BANK PAYMENT  
Arr DR 1980  
Water 15  
E1-Han 242  
Arr E1 3

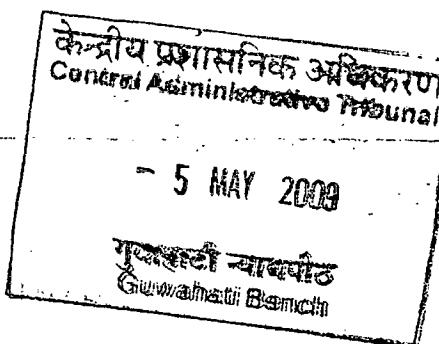
sl.no : 3 styler : 200003 endyear : 200901  
Gross Pay : 25551 Total Deduction : 113028 Net Pay : 12237  
Date of Retirement : 28-FEB-2021 ALERTNESS IS THE BEST SAFETY DEVICE

Altered  
Mehraas  
Advocate

- 36 -

Annexure - 12 Series

N-C STAFF OF EU-227 : BNSM Bill For: JAN 2009-FEB 2009 GU: 30001 BU: 55227 SEC: 1828 SL. No: 30 Page No: 8 RPgse: 405  
DEPT: 020 Empno: 03146425 Empname: PRODIP KR GHOSH F/H: LT M .C H. GHOSH Desig: HOD/AC R/Pay: 13020 DAYS: Pd=31.0 Unpd=0.0  
Pays.....Rs. Allowance Rs. Allowance Rs Recovery Rs Recovery Rs Recovery Rs Btrs Rec. Rs Adv. Rec. Rs B\_I Voucher/PSLIP/OFFICE  
Basic 13020 D.A. 2755.57 Dut 2153 PF-Gub 1455 Rent-P 3760 Durga. 150 006 BANK PAYMENT  
PF-PR 400 SCA- 320 VPF 5000  
Transp 928 CGIS-C 30  
Gradep 4200 IRSTA/0 5  
HDA 1641 Prof.T 296  
Arr.ND 1815  
HRA 560  
Arr.NH 560  
normal el.amt : 242 stymra : 200806 endymra : 200901 arrear el.amt : 3 stymra : 200808 endymra : 200901  
Bank Code : 00046 Account No : 11027162347 Gross Pay : 29552 Total Deduction : 13023 Net Pay : 16524  
Scalecode : 09300-34900 Next Increment Date : 01-JU-2009 Date of Retirement : 23-FEB-2021 ALERTNESS IS THE BEST SAFETY DEVICE



Altered  
Abha son  
Advocate

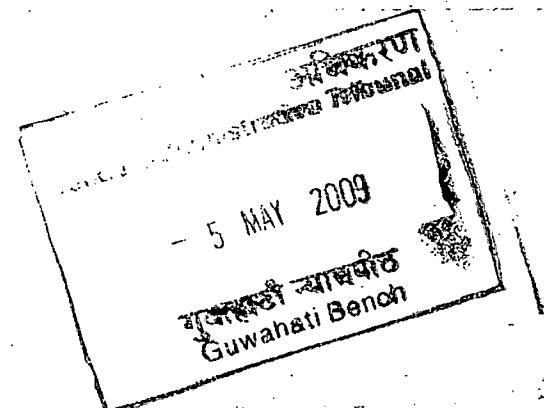
37

Annexure - 12 Series

R-G STAFF OF BHF-227 : BDNK BILL For: FEB 2009-MAR 2009 QU: 30001 RU: 53227 SEC: 5000 SL.No: 31 Page No: 2 RPage: 402  
DEPT: 020 EmpNo: 03146005 Enname: PRODIP NK GHOSH F/H: LT M .C.H. GHOSH Desig: MD/DC R/Pay: 13020 DAYS: Pd=23.0 Unpd=0.0  
Pays.....Rs Allowance Rs Allowance Rs Recovery Rs Recovery Rs Recovery Rs Qtrs Rec Rs Adv. Rec Rs B.I. Voucher/PSL/PDF/13  
Basic 13020 D.A. 2151 PF-Subj 1435 Water 15  
PT-PP 400 SCA 100 VPF 5000 El-Han 421  
Transp 100 ODIS-C 30  
GradeF 4231 INST/0 5  
PTA 1275 I. Tax 9534  
HRA 500 ECEES 301  
SP.Dut 2157 Prof.T 208

Normal el.amt : 0 stryng : 0 emoymn : 0 arrear el.amt : 0 stryng : 0 emoymn : 0  
Bank Code : 00046 Account No: 11027362347 Gross Pay : 28334 Total Deduction : 21600 NetPay : 4734  
Scalenoce : 99300-76000 Start Increment Date : 01-JUL-2009 Date of Retirement : 20-JUL-2001 MEMBERS IS THE BEST SAFETY IN 101

Attested  
Abha Das  
Advocate



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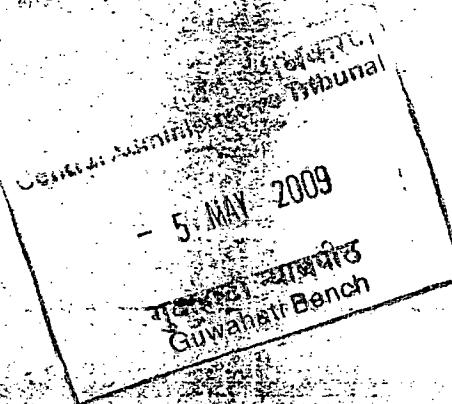
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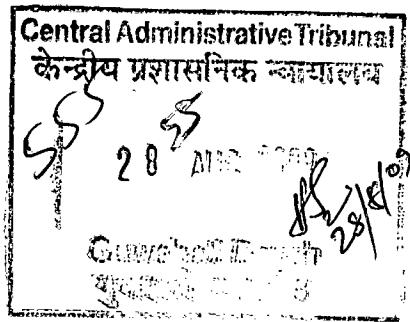
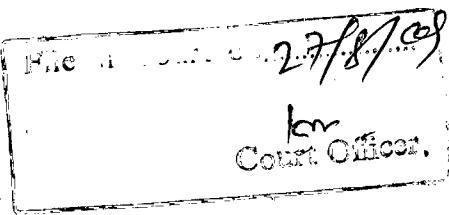
W.C STAFF OF BU-227 : BIRCH Bill For: MAR 2009-APR 2009 GU: 30001 BU: 5322 SEC:NBO SL.No: 31 Page No: 0 Page No: 400  
 DEPT:020 Empno: 0314525 Enphase: PRODIP KR GHOSH F/H: LT M C H GHOSH Regis:HDTRC R/Pay:13020 DAYS: Pd:31.0 Unpd:0.0  
 PAY: Rs Allowance Rs Recovery Rs Recovery Rs Recovery Rs Recovery Rs Recovery Rec: Rs Adv: Rec: Rs B.I. : Volunteer/PSLIP/OFFICE  
 Basic: 13020 D.A.: 3788 PT-Sub: 142 Rent-P: 3960 Durga. 150 004 BANK PAYMENT  
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 Gradep: 4200 INST/0  
 Edu Al: 3319 Prof.T: 200  
 KDA: 1275  
 KHA: 200  
 SW-Bal: 2153

el.amt : 421.57yrs : 200902 endyear : 200907, arrear el.amt : 0.57yrs : 0 endyrs : 0  
Code : 00346 AccountNo : 11027162347 Gross Pay : 29731 Total Deduction : 11224 netPay : 18507  
Code : 09300-348X0 Next Increment Date : 01-JUL-2009 Date of Retirement : 20-FEB-2021 ALERTNESS IS THE BEST SAFETY DEVICE

Altered  
Alsha Son  
Advocate



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH.

IN THE MATTER OF

O.A.82/2009

Shri Pradip Kumar Ghosh ... Applicant  
Versus  
Union of India & Others ... Respondents  
AND

IN THE MATTER OF

Written Statement on behalf of respondents.

INDEX

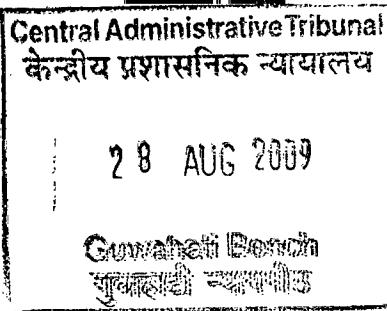
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2.	Verification	6.
3.	Annexure I	7.
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*me 27/8/09 by*  
Submitted

*Dr. M. C. Sarma,*  
Dr. M. C. Sarma,  
Railway Advocate.

Date - 27.08.2009.

*Received  
Usha Das  
Advocate  
27/8/09*



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Filed by

New  
27/8/09

Dr. M. C. Sarma

M.Com, Ph.D., LL.B.

Advocate, Gauhati High Court

Railway Advocate, Central Administrative Tribunal,  
Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH.

IN THE MATTER OF

O.A.82/2009

Shri Pra-dip Kumar Ghosh ... Applicant  
Versus  
Union of India & Others ... Respondents  
AND

IN THE MATTER OF

Written Statements on behalf of respondents.

The answering respondents respectfully SHEWETH :

1. That they have gone through the copy of the application filed and have understood the contents thereof. Save and except the statements which have been specifically admitted hereinbelow or those which have been borne on records all other averments/allegations made in the application are hereby denied and the applicant is put to the strictest proof thereof.

2. That for the sake of brevity meticulous denial of each and every allegation/statement made in the application has been avoided. However, the answering respondents have confined their replies to those allegations/averments of the applicant which are found relevant for enabling the Hon'ble Tribunal to take a just and fair decision on the matter.

3. That apart from the fact that the application suffers from want of a cause of action as would be clear from the submissions at the appropriate places below, the respondents beg to submit with due respect that the applicant has also attempted at various stages of the application to mislead the Hon'ble Tribunal. For instance, at paragraph 4.3 of the O.A. the applicant seemed to indicate that he was transferred out of New Bongaigaon to Rangiya within one day. In actual fact, his transfer order was issued more than two years before he was called and spared on transfer on 07.06.2007. All these two years he avoided carrying out the orders of transfer dated 07.04.2005 (Annexure 1 of O.A.). In the mean time work of the administration at Rangiya was suffering and it was no longer possible to retain the applicant at his old place of posting and therefore he was asked to attend office and thereafter spared. There was no question of harassment as alleged. There are a number of other misleading averments in the application as will be made clear as we proceed.

28 AUG 2009

Guwahati Bench  
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4. Parawise comments:

4.1. That as regards paragraphs 4.1 and 4.2 the respondents have no comments to offer as they are based on records of service of the applicant which he is put to the strictest proof thereof.

4.2. That as regards paragraph 4.3, the respondents beg to state that the applicant's averment that he was harassed is not acceptable as the records do not prove any such conduct on the part of the respondents. The records (such as Annexure I of the O.A.) prove that the applicant was transferred from New Bongaigaon to Rangiya vide order of DRM/Rangiya dated 07.04.2005. The administration needed his services urgently at Rangiya in view of his experience as a senior Trains office staff. However, by resorting to the usual practices of delaying his release from New Bongaigaon he managed to stay at New Bongaigaon for more than two years after the issue of the transfer order. This forced the respondents to call him to office and issue a spare letter on 07.06.2007 (Annexure 2 of O.A.). It is to be noted that the delay on the part of the applicant to carry out his order of transfer to Rangiya continued to affect the work of that station and in a sense by his conduct the applicant had put the administration in great difficulty.

4.3. That as regards paragraph 4.4, the respondents beg to state that permission for retention of his quarter at New Bongaigaon for eight months was granted on account of children's education as per rule. Retention was allowed for the first two months on normal rent and for the next six months on payment of special license fee as per the rules issued by the Railway Board which are applicable to all Railway staff without any exception. A copy of these rules would be produced at the time of hearing.

4.4. That as regards paragraph 4.5, the respondents state that on the applicant's request for retention of his quarter at New Bongaigaon beyond the permissible limit of eight months a reply was sent by DRM(P), Rangiya to the applicant vide letter dated 06.11.2008 stating clearly that such a request could not be acceded to as the rules do not permit the same. Railway Board's instructions clearly provide that retention of quarter by the employee after expiry of the permissible period would be treated as unauthorised and the employee concerned is required to pay damage rent for the same. Apart from the fact that the applicant was clearly told about the rules in this respect, every Railway employee is

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Guwahati Benchमुख्यमंत्री न्यायालय  
M. F. Railway, Rangiya

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aware of the rules in this respect through experience of some of their colleagues who faced similar consequences.

A copy of letter No. E/301/RN/NP-SP dated 06.11.08 is annexed hereto and marked as ANNEXURE - I.

4.5. That as regards paragraph 4.6, the respondents beg to state that the deduction of rent at the enhanced rate was as per para 10 of the Master Circular No.49(Revised) RBE No.35/2007 dated 20.04.2007, abstract of which is reproduced below:-

"A Railway employee on transfer from one station to another which necessitates change of residence, may be permitted to retain the railway accommodation at the former station of posting for a period of two months on payment of normal rent or single flat rate of license fee/rent. On request by the employees, on educational or sickness account, the period of retention of railway accommodation may be extended for a further period of six months on payment of special license fee, i.e. double the flat rate of license fee/rent....."

"Beyond the permitted/permisbile limits, however, no further extension will be allowed on any ground whatsoever. Therefore, no request or representation on this score shall be entertained. For all occupations beyond the permitted period, immediate action should be taken to cancel the allotment, declare the occupation as unauthorised and initiate ~~action~~ eviction proceedings, charging damage rent for the over-stay".

These mandatory instructions were followed in the case of the applicant and the applicant was also informed of the rules and their implications vide letter dated 06.11.2008 (Annexure I of this W.S.)

4.6. That as regards paragraphs 4.7, 4.8, 4.9, 4.10 and 4.11, the respondents submit that on his transfer to Rangia, where he joined service on 07.06.2007 as per paragraph 4.3 of the O.A., he was allowed to retain his quarter No.112B at New Bongaigaon for two months on payment of normal rent and for the next six months up to 07.02.2008 on payment of special license fee as indicated in Annexure 8 of the O.A. For the occupation of the quarter at New Bongaigaon from 08.02.2008 the applicant was charged penal rent as per provisions of Master Circular No.49(Revised) R.B.E. No.35/2007 issued by Letter No.E(G)2006QR 1-6 (Master Circular) dated 20.04.2007. As regards rates of damage rent for unauthorised occupation of Railway accommodation, Railway Board's instructions vide letter No.F(X)1-99/11/1 dated 24.07.2002 were followed. These were therefore covered by rules applicable to all Railway employees and therefore there was no case of discrimination or victimisation in these matters.

Copy of the Master Circular dated 20.04.07 and Board's letter dated 24.07.2002 are annexed herewith and marked as Annexure II and III.

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Central Administrative Tribunal  
नियन्त्रिय प्रशासनिक न्यायालय

28 AUG 2009  
Guwahati Bench  
गुवाहाटी बैचन्च

कार्यालय कार्यालय  
नियन्त्रिय प्रशासनिक न्यायालय  
N.F. Railway, Rangia

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4.7. That as regards paragraph 4.12, the respondents beg to state that deduction of penal rent in addition to normal rent for the period concerned was done as per guidelines issued by the Railway Board as indicated above. The applicant continued to occupy the quarter at New Bongaigaon, his previous place of posting, before transfer to Rangiya even after eight months for which he was allowed to retain the quarter. The applicant knew fully well the consequences of retaining the quarter unauthorisedly at his previous place of posting after eight months of authorised occupation. The applicant was informed vide letter No.E/301/RN/NP-SP dated 31.10.2008 that his prayer for refund of penal rent was not accepted by the competent authority. Moreover, vide letter No.E/301/RN/NP-SP dated 06.11.2008 (Annexure I of this W.S.) the applicant was given a detailed reply about the position. The allegation of the applicant that respondents never replied to him is therefore considered false and meant to mislead the Hon'ble Tribunal.

4.8. That as regards paragraph 4.13, respondents beg to state that deduction of penal rent was as per norms issued by the Railway Board from time to time as indicated in paragraph 4.6 above. As regards disclosure of the reasons of the heavy deductions details were furnished vide the respondent's letter dated 06.11.2008 where reference was made to Master Circular concerned, which the applicant could see in his own office records.

4.9. That as regards paragraphs 4.14 and 4.15, the complaint of the applicant that he was in the dark about the matter of deduction of penal rent etc. and that his continued occupation of the quarter at New Bongaigaon after the extended period of occupation was being treated as without any authority is not borne on the records. The position was made clear vide the two letters dated 31.10.2008 and 06.11.2008, as stated in paragraph 4.7 above.

4.10. That as regards paragraphs 4.16, 5.1, 5.2 and 5.3 the respondents beg to state that deduction of rent from the applicant for the authorised and unauthorised periods of occupation was made as per the prescribed rates applicable to all railway employees similarly placed. The period during which the applicant did not vacate the quarter at New Bongaigaon after 07.02.2008 (as per Annexure 8 of the O.A.) had to be treated as unauthorised occupation and accordingly rent was deducted from him at the prescribed penal rate. The respondents therefore respectfully submit that in dealing with the matter there was no violation of

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any of the provisions of the Constitution of India, as alleged. The provisions of Railway rules in this respect has been elaborated in the respondents' remarks at paragraph 4.5 of this Written Statement above.

4.11. That as regards paragraphs 5.4,5.5 and 5.6, respondents beg to state that no doubt a special condition arose when the applicant was transferred back to New Bon-gaigaon where he was posted earlier and where he was in unauthorised occupation of the quarter. Although the rules do not provide ~~that~~ for automatic authorisation of the unauthorised occupation, the applicant could get an out of turn allotment of his quarter as per rule 6.1 of the Master Circular which reads as follows:-

#### 6.0. Out of turn allotment of quarter

6.1 Out of turn allotment, wherever conceded, should be made strictly on the basis of date of registration in the out of turn register to be maintained for the purpose. Placing of an employee in the out of turn list, however, is left to the discretion of the competent authority, based on merits of each case."

In this connection, respondents beg to state that the applicant could have applied for out of turn allotment of the quarter to Station Superintendent/Station Manager, New Bongaigaon, who is the authority maintaining the priority register for allotment of quarter of his department at New Bongaigaon. It appears all his representations were directed to the wrong places, perhaps due to wrong advice. Complaint made to the higher authorities just for the sake of complaint, instead of approaching the proper local authorities, did not help the cause of the applicant.

Under the circumstances and in view of the position explained above, the respondents beg to state that the application has no merit and deserves to be dismissed with costs.

28 - AUG 2009

## Guwahati Bench গুৱাহাটী বৰ্ষাবৰ্ষী

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मुँ सी रेलवे, रँगिया  
N. F. Railway, Rangiya

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VERIFICATION

I, Shri Sonam Chana bely, son of Mr. Sarad Chana, aged about 58 years, at present working as Asst/er/RNY, N.F.Railway, do hereby solemnly verify and affirm that the statements made in paragraphs 1 to 6 are true to the best of my knowledge and derived from records which I believe to be true and the rest are my humble submissions before the Hon'ble Tribunal.

And I sign this verification on this the \_\_\_\_\_ day of August, 2009.

Sonam Chana bely

Signature

मधुष कार्मिक अधिकारी

Divisional Personnel Officer

Designation.

मु. सी. रेलवे, रंगिया  
N. F. Railway, Rangiyā

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

28 AUG 2009

Guwahati Bench  
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Annexure 'I'

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N.F.Railway.

No. E/301/RN/NP-SP

Office of the  
DRM (P) RNY  
Dtd. 06-11-08

To,

Shri Pradip Kumar Ghosh  
Head TNC/NBQ  
Through: CYM/NBQ

Sub: - Refund of penal rent against Rly.Qtr.No. 112/B type II at BG colony/NBQ  
Ref: - Your application dated 20<sup>th</sup> Oct/08.

In reference to your application dated cited above this is to inform you that as per Master circular No. 49(Revised) RBE No. 35/2007 endorsed Rly. Bd's letter No. E (G) 2006 QR 1-6 (Master circular) dated 20-4-07 circulated vide GM (P) MLG's letter No. E/9/0-4 Pt. VH(C) dated 24-07-07 against Para 11.0 on expiry of the permissible period for retention of Railway quarter, the allotment of quarter in the name of the employee at the old station will be deemed to have been terminated automatically. Retention of Quarter by the employee after expiry of the permissible period will be treated as unauthorized. During the period of unauthorized occupation, the employee would be required to pay damage rate of rent in respect of Railway quarter. Realisation of damage rate of rent should not be pended on the ground that the employee has appealed for regularization of the excess period of retention.

In view of the above the damage rate of rent recovered from your salary for unauthorized retention of the Railway quarter beyond permissible period is not irregular. Moreover the question for refund of damage rate of rent deducted from your salary for unauthorized retention of Rly. Qtr. does not arise.

Please also note that you have to vacate the quarter and apply as a fresh candidate for allotment of quarter.

*Key. 1/10*  
(B.C. Biswas)  
APO/III/RNY  
For DRM (P) RNY

Copy to: - Sr. DOM/RNY for kind information please.

*10/6/11/08*  
For DRM (P) RNY

*Attested  
8/8/09*

• लालक विवाहा (विव ८०)  
Ass. Personnel Officer (Legal Coun.)  
• दृष्टि, बालिगांव, गुवाहाटी-7810  
• Guwahati, Assam-781001

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक स्वाधालय

7-9 AUG 2009

Guwahati Bench  
गुवाहाटी न्यायिक स्थान



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Annexure 11.

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GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

Master Circular NO.49(Revised)  
R.B.E. NO. 35/2007

NO. E(G)2006 QR 1-6 (MASTER CIRCULAR)

New Delhi, dated 20-4-07

The General Managers,  
All Indian Railways and  
Production units & others.

Sub.: Allotment of Railway Quarters and retention thereof.

Master Circular No. 49 on "ALLOTMENT OF QUARTERS AND RETENTION THEREOF", a compilation of instructions on the subject was last brought out and circulated vide Railway Board's letter No. E(G)92 QR1-20 dated 19/1/93. Since then the various provisions of instructions have undergone major changes and some new provisions have also been introduced. With the objective to bring about all the current basic instructions at one place, the Master Circular has been updated by incorporating the modifications/additions to the instructions in this revised Master Circular. The revised Master Circular is as under:

1.0 Classification of staff as "essential and non-essential" for allotment of quarters

1.1 One of the benefits to which Railway employees are entitled to is provision/allotment of residential accommodation at the place of posting, on payment of a standard rent which is at subsidised rates.

For the purpose of allotment of quarters, Railway staff are categorized into two categories, i.e., essential and non-essential. Separate pools of allotment are maintained for essential and non-essential staff. As the local conditions vary, Railway Board have not laid down any rules/instructions for uniform application and the actual classification as per local conditions has been left to the discretion of Zonal Railway Administrations.

Attested

Officer in Charge (PMTS Q. O.)  
Central Personnel Officer (2008)  
Date: 21.1.1958  
Place: Guwahati, Assam, India

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

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Assam

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1.2. Out of the quarters set apart for essential category staff, separate pool of quarters should be maintained for the running staff, the number of quarters in such a pool should be proportionate to the strength of running staff as against non-running essential staff. Allotment of any quarter that falls vacant in this pool will be made to "running" staff only on his/her turn as per the separate Priority Register, maintained for this purpose.

(Ref: No. E(G)69QR1-15 dated 30-10-76)

1.3 The quarters of the loco running staff pool, on vacation, should be allotted only to the loco running staff. (Ref. No. E/G/20)

(Ref: No. E(G)79 QR1-32 dated 20-8-80)

## 2.0 Entitlement of various types of house accommodation

Category of staff/officers and pay scales

## Entitlement

All Group 'C' staff who are in pay scales, the maximum of which is equal to or less than Rs:7,000/-

All Group 'C' staff who are in pay scales, the maximum of which is equal to or less than Rs.9,800/- but the minimum of which is equal to or more than Rs.4,500/- Type-III

All Group 'C' staff who are in the pay scales of Rs.6,500-10500 and Rs.7,450-11500 Type-IV

(a) All Assistant officers

### Type-IV

(b) All Senior Scale Officers drawing a salary less than Rs.12,000/- Type-IV

All Senior Scale officers drawing pay of Type-V  
Rs.12,000/- or more and all JAG/SG/SAG Officers



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Note-I: No existing Type-IV or other type of quarters will be transferred from Non-gazetted pool to Gazetted pool merely because the number of Group 'C' staff eligible for such quarters in accordance with the above instructions, happens to be less than the number of available quarters.

Note-II: Employees in old pay scale of Rs.1320-2040 (Revised pay scale Rs.4000-6000) who have already been allotted Type-III quarters in terms of earlier orders dated 24/7/89 may retain the Type-III quarters. However, all new allotment should be made as per entitlements in this letter.

(Ref: No. 98/LMB/10/62 dated 10/1/2000)

No.98/LMB/10/62 dated 21-9-2000)

### 3.0 Entitlement/allotment for staff quarters to the running staff

<u>Category of staff</u>	<u>Revised pay scale (in Rs.)</u>	<u>Entitlement (Type)</u>
Second Fireman	2750-4400	Type-II
Asstt. Guard/Brakeman, Sr. Second Fireman, First Fireman, Diesel Asstt., Electric Asstt.	3050-4590	Type-II
Sr. Asstt. Guard/Brakeman, Sr. Fireman, Sr. Diesel Asstt., Sr. Electric Asstt, Shunter	4000-6000	Type-III
Goods Guard	4500-7000	Type-III
Sr. Goods Guard, Passenger Guard, Sr. Shunter, Goods Driver	5000-8000	Type-III
Sr. Passenger Guard, Mail/Express Guard, Sr. Goods Driver, Passenger Driver/Motorman (Passenger Trains and EMU Service)	5500-9000	Type-IV
Sr. Passenger Driver/Sr. Motorman (Passenger Trains and EMU Service), Mail/Express Driver (Mail/Express/Superfast train.)	6000-9800	Type-IV

Attested

8/8/09

Personnel Officer (Loco)  
in: total, infra, na 1812

Order No. 98/LMB/10/62 dated 21/11/2000

**4.0 Rules regarding allotment of Railway quarters to husband and wife, posted at the same station**

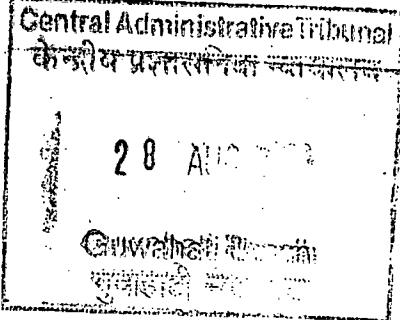
Allotment of quarters to gazetted and non-gazetted staff, where two employees of opposite sexes in occupation of two separate quarters at the same station, allotted under normal rules, marry one another, shall be regulated as under:-

- (a) No Railway employee (Gazetted or non-Gazetted), shall be allotted a Railway quarter if the spouse has already been allotted a quarter at the same station, unless such quarter is surrendered. This will, however, not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made by any court.
- (b) Where two employees in occupation of separate quarters at the same station allotted under Railway Rules, marry one another, they shall, within one month of the marriage surrender one of the residences.
- (c) Where two employees (husband and wife) are in occupation of separate residences at the same station, one allotted under Railway Rules and another from a different pool on account of the allottee being an employee of another Government Department, any one of them shall surrender his/her residence within one month of the marriage.
- (d) If a residence is not surrendered as required under (b) or (c) above, the allotment of the Railway residence shall be deemed to have been cancelled on the expiry of such period.
- (e) In the event of either of the two employees (husband & wife) being transferred to another station, he/she (as the case may be), shall be entitled for allotment of Railway quarter under the relevant rules.

(Ref. No. E(G) 73 QR 1-44 dated 2.7.1974)

- (f) Wife/husband of an employee sent on deputation could be considered for allotment of the same quarter, already allotted to one of the spouse, if she/he was otherwise eligible in the normal course taking her/his date of registration for quarter from the date of her/his appointment/transfer/posting at a particular station.

(Ref. No. E(G)90 Q1/3 (A) dated 10.10.91)



5.6 For reckoning the number of quarters in place or unit, 50 should be the total number of type I & II quarters taken together in that place or unit;

5.7 Reservation percentage will be applied separately to Type I & Type II quarters;

5.8 Waiting lists have to be prepared separately for each type of quarters;

(Ref: No.99-E(SCT)I/21/1 dated 25.6.99)

#### 6.0 Out of turn allotment of quarter

6.1 Out of turn allotment, wherever conceded, should be made strictly on the basis of date of registration in the out of turn register to be maintained for the purpose. Placing of an employee in the out of turn list, however, is left to the discretion of the competent authority, based on merits of each case.

(Ref: No. E(G)66 QR1-21 dated 12-10-66)

#### 6.2 Allotment to handicapped employees

Requests from the handicapped persons appointed on the Railways under special schemes should also be entertained for registration in the out of turn register on merits of each case, with due regard to the degree of their disability.

(Ref: No. E(G)66 QR 1-21 dated 12.10.1966)

#### 6.3 Ad-hoc allotment on medical grounds of heart ailment etc

Heart ailment, having the following symptoms, should be included for ad-hoc allotment on medical grounds. The concession should, however, be restricted to self ailment only, as indicated below:-

"Heart ailment having symptoms of Grade III and Grade IV which includes serious disabilities like Angina Grade III and IV or congested Cardiac Disease III and IV or any other disease which causes symptoms like Grade III and IV."

Attestd  
82-258/109  
Personnel Officer (Res.)  
Guwahati



## **5.0 Allotment of Railway quarters – Reservation for SCs/STs**

**5.1** Reservation of 10% in respect of Type I and Type II Railway quarters should be made in favour of SC/ST employees in all the areas where the number of quarters is 50 or more. It is further desired that representative of SC/ST employees who have been duly recommended by the SC/ST Railway Employees Association should also be included in the housing allotment committee in all the places wherever it exists.

(Ref: No.82-E(SCT)26/2 dated 27.9.83 and  
No. 2002-E(SCT)I/21/1 dated 20/11/2002)

**5.2** Reservation in allotment of quarters will apply only in non-essential categories.

**5.3** The reservation is made against the total number of quarters at a station and not against the number of quarters in a particular pool where the number of quarters is less than 50.

**5.4** Two waiting lists are to be maintained, one general waiting list and another special waiting list of SC/ST Railway employees for allotment against 10% quota in Type I and II and 5% in Type III and IV. The SC/ST employees who are senior enough and are covered in general waiting list in their turn will be given allotment from the general pool quota. The special list will be operated only if the accommodation provided on the general list falls short of this percentage.

(Ref: No.84-E(SCT)I/21/1 dated 22.8.86)

**5.5** The reserved quota is exclusively reserved quota for SC/STs and allotments made to SC/STs from the general list is not countable towards the reserved quota which has to be filled by allotment to SC/ST employees who are not covered against the general (unreserved) points of the roster within the vacancies of quarters to be filled up at a particular point of time. In other words, SC/ST employees allotted Railway quarters on their own service length seniority in the general list are not to be adjusted against reserved quota.

(Ref: No. 97-E(SCT)I/22/5 dated 9.10.97)



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#### 6.4 Ad-hoc allotment on other medical grounds

With regard to eligibility for ad-hoc allotment on other medical grounds, such as Pulmonary T.B. and Cancer, illness of parents and other members of the family should be excluded, only the illness of the Government servant himself and/or members of his/her family i.e. wife/husband and the children, should alone be considered for the concession of ad-hoc allotment on these two grounds.

6.5 Existing 5% reservation of vacancies in general pool for ad-hoc allotment on medical grounds and physical handicap would continue.

(Ref: No. E(G) 85 QR 1/8 dated 5.6.1986)

#### 6.6 Out of turn allotment – father to son /daughter/dependent

Requests from eligible dependents/specified relations of retired Railway employees, and of deceased Railway employees who are appointed on compassionate grounds, may be considered by the competent authority only in cases where the compassionate appointments have been made within the prescribed period of 24 months. In case, the compassionate appointee had remained in occupation of the Railway accommodation unauthorisedly beyond the permitted period, that in itself would not confer any right in favour of the compassionate appointee in the matter of regularisation of the Railway accommodation in his/her name. Further, the Railway Administration should also initiate eviction proceedings soon after the prescribed period for retention of accommodation is over. The special dispensation allowed in favour of the eligible wards of retired/deceased employees and their scope is to be confined only to such of the wards as are regular employees. Thus the casual labour and the substitutes with or without temporary status are excluded from their scope. The requests are to be considered as under :

(a) When a Railway employee who has been allotted railway accommodation retires from service or dies while in service, his/her son, daughter (unmarried.married), wife, husband or father may be allotted railway accommodation on out of turn basis provided that the said relation was a Railway employee eligible for railway accommodation and had been sharing accommodation with the retiring or deceased railway employee for at least six months before the date of retirement or death and had not regularised in the name of the eligible relation if he/she was eligible for a

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residence of that type or higher type. In other cases, a residence of the entitled type or a type next below is to be allotted.

(b) Requests for out of turn allotment of Railway accommodation from the eligible dependents/specified relatives of deceased Railway employees who are appointed on compassionate grounds may be considered for allotment of Railway quarter of one type below the entitlement of the deceased Railway employee, minimum being Type-I and restricting the allotment upto Type-IV failing which Type-IV Spl or the entitled category of accommodation to the compassionate appointee, whichever is higher, subject to fulfilling the laid down conditions. This will be applicable to all Group A, B, C & D Railway employees.

(c) Provided that in case where the retiring employee, including those who take voluntary retirement, or any member of his family, owns a house in the place of his/her posting, the specified relative will not be eligible for allotment of railway quarter on out of turn basis.

(d) In case of appointment on compassionate grounds, Railway accommodation may be regularised where such appointee possessing minimum educational qualification undergoes induction training provided other conditions regarding eligibility etc. are fulfilled. It is, however, clarified that such an allotment shall be purely temporary, and on ad-hoc basis, provided such induction training is regularised as regular appointment in due course. In case the trainee employee fails to qualify in the final examination and is subsequently discharged from service, his/her allotment of quarter shall be cancelled.

6.7 In the event, a quarter belonging to a particular pool is allotted to the eligible dependent of an employee on out of turn basis on retirement/death of an employee who was having a quarter in another pool, thereby causing a shortfall in the quota of quarter in ~~pool~~ pool, the deficiency so caused in that pool of quarters should be made good at the earliest available opportunity, in order that the balance is restored at the earliest.

Note :

(i) Orders regarding non-drawal of house rent allowance are applicable only in cases where the dependent is employed in the station where the Railway employee has been allotted Railway accommodation.

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- (ii) The concession of ad-hoc allotment would not be available in the case of a dependent who secures employment in the Railway after the date of retirement of parent or during the period of re-employment.
- (iii) Type 'A' accommodation may be regularised in the case of eligible dependent on his request, even if, the employee is eligible for Type 'B' or higher type of accommodation.
- (iv) The concession of ad-hoc allotment to the eligible dependent would not be available in case any other dependent is already in occupation of Government accommodation.
- (v) Ad-hoc allotment of lower type of accommodation has to be restricted to the same area or adjoining area where retired employee is having the accommodation. However, license fee/damage rent will have to be paid by the retired employee as per relevant rules/extant instructions if there is delay in allotment of alternative accommodation due to restriction of allotment of such colony.
- (vi) The date of regularisation should be from the date of cancellation in case the eligible dependent is already in Railway service and is entitled for regularisation.
- (vii) Where arrears are due from retired Railway employee, a statement indicating arrears due, should be furnished to the dependent and he should be asked to furnish documentary evidence/certificate regarding payment of licence fee/damages from the office where the retired employee was working during the period in case recovery has already been made, and if not he should be asked to make payment of the amount. This should be a condition of ad-hoc allotment and should be made clear in the letter sanctioning ad-hoc allotment.
- (viii) The said employee, who has been sharing accommodation with the retiring or deceased employee, is not eligible for HRA. It should be ensured that no out of turn allotment of accommodation is made to such employee, in case he/she has been drawing HRA by suppressing the fact that he/she was sharing the accommodation allotted to his/her father/son/husband/wife.

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(Ref No. E(G)88 QR 1-3 dated 21.6.90  
E(G)66 QR 1-11 dated 25.6.66  
E(G)85 QR 3-2 dated 29.8.86  
E(G)85 QR 1-9 dated 15.1.1990  
E(G)90 QR 1-18 dated 26.3.91  
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E(G)91 QR1-10 dated 4.12.92  
 E(G)98 QR1-11 dated 17.8.99  
 E(G)85 QR1-14 dated 18/8/86  
 E(G)2006 QR1-14(B) dated 20/11/2006)

#### **7.0 Allotment of Railway Quarter to TA Personnel**

**7.1** All the Railway personnel serving in the Railway Engineers Group Units (TA) should be treated as essential staff for the purpose of allotment of Railway accommodation.

(Ref: E(ML)74 ML3-34 dt. 6/6/74)

**7.2** From amongst the unhoused TA personnel, some of the smarter employees who show leadership and enthusiasm in TA may be given preference over other TA personnel in allotment of quarters out of turn. Such allotments, however, should not exceed 10% of the unhoused TA personnel subject to minimum of 5 at bigger stations.

**7.3** In assessing the eligibility/suitability of such out of turn allotments, the recommendation of the commanding officer of the TA units should be treated as final.

(Ref: No. E(G)96 QR1-42 dated 3.11.97)

#### **8.0 Misuse of Railway accommodation**

**8.1** Railway accommodation allotted to a Railway servant is meant only for his/her bona-fide use and cannot be used for any purpose other than residence. In order to prevent misuse of Railway accommodation in any manner, a clear provision to this effect should invariably be made in quarter allotment letters issued to Railway servants. The provision should also clearly specify that any violation in this respect would result in cancellation of allotment of the accommodation besides initiation of disciplinary action under Railway Servants D&A Rules.

(Ref: No. E(G)2002 QR1-3 dt. 29/3/2002)

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8.2 Sub-rule (1) of Rule 15 of Railway Services (Conduct) Rules provides that no Railway servant shall, except with the previous sanction of the Government engage directly or indirectly in any trade or business, or negotiate for, or undertake any other employment. Also, in terms of sub-rule (3) of Rule 15 of Railway Services (Conduct) Rules, a Railway servant is required to report to the Government if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency. For the purpose of these sub-rules, "Government" means the Railway Board in the case of all gazetted and non-gazetted staff in the Railways.

Instances have come to notice wherein commercial activities are carried on from the Railway quarters allotted to Railway servants for residential purposes. In this connection instructions have already been issued under Board's letter No. E(G)2002 QR1-3 dated 29-4-2002 (RBE No.54/2002) clarifying, inter alia, that Railway accommodation allotted to a Railway servant is meant only for his/her bona-fide use and cannot be used for any purpose other than residence. Hence, when a request is received from a Railway servant seeking sanction of the government under sub-rule (1) of Rule 15 or when an intimation is given by him/her regarding business/commercial activity by any member of his/her family under sub-rule (3) of Rule 15, he/she should also indicate the address from which the activity will be conducted. It should be ensured that such activity is not being conducted and/or will not be conducted from the Government/Railway accommodation. An undertaking to this effect may also be obtained from the Railway servant concerned and enclosed with the proposal being sent to Railway Board for further necessary action.

(Ref: No. E(D&A)2000/GS/1-8 dated 3/9/2002)

#### 9.0 Sub-letting and vacation of Railway accommodation

9.1 Save as otherwise provided in any other law for the time being in force, no Railway servant shall sublet, lease or otherwise allow occupation by any other person of Government accommodation which has been allotted to him.

9.2 As soon as the charges of sub-letting are established by the pool holder, the allotment of quarter will be cancelled and the disciplinary authority shall initiate disciplinary proceedings against the railway servant concerned. In such cases, the Competent Authority may consider placing the delinquent Railway servant under suspension also. It may also be ensured that chargesheets are issued immediately in cases where employees are likely to retire shortly or where they have already retired, since such cases are likely to become time barred for initiation of

disciplinary proceedings by virtue of the misconduct being more than four years old.

**9.3** A Railway servant shall, after the cancellation of his allotment of Government accommodation vacate the same within the time-limit prescribed by the allotting authority.

(Ref. Rule 15A of Railway Services (Conduct) Rules, 1966 read with Board's letter No. E(D&A)98 GS 1-1 dt. 19.6.98)

**9.4** The Estate Officers/Allotment Authorities on the Railways, etc., should carry out checks/inspections every six months to ensure that the houses are occupied by the allottee Railway servants only and are not sublet to outsiders in contravention of the extant instructions.

(Ref.: No. E(G)86 QR 1-6 dt. 30.9.1986)

**10.0 Retention of Railway quarters by Railway employees on transfer, retirement, etc.**

**10.1 Permanent Transfer**

(a) A Railway employee on transfer from one station to another which necessitates change of residence, may be permitted to retain the railway accommodation at the former station of posting for a period of two months on payment of normal rent or single flat rate of licence fee/rent. On request by the employees, on educational or sickness account, the period of retention of railway accommodation may be extended for a further period of six months on payment of special licence fee, i.e. double the flat rate of licence fee/rent. Further extension beyond the aforesaid period may be granted on educational ground only to cover the current academic session on payment of special licence fee.

Beyond the permitted/permmissible limits, however, no further extension will be allowed on any ground whatsoever. Therefore, no request or representation on this score shall be entertained. For all occupations beyond the permitted period, immediate action should be taken to cancel the allotment, declare the occupation as unauthorised and initiate eviction proceedings, charging damage rent for the over-stay.



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(b) Where the request made for retention of Railway quarter is on grounds of sickness of self or a dependent member of the family of the railway employee, he will be required to produce the requisite Medical Certificate from the authorized Railway Medical Officer for the purpose.

(c) In the cases where the employee or his/her family member etc. is receiving treatment from other streams of medicines like Homoeopathy, Ayurved, Unani, etc. and the employee wishes to avail retention of Railway quarter on transfer/retirement etc. on medical grounds (subject to eligibility as per policy instructions), he may apply in writing to the concerned Railway Medical Officer requesting for a Medical Certificate with details of sickness and subject himself/herself for medical examination. The Railway Medical Officer on examination of the sick person may issue a Medical Certificate with his recommendations, if any, as per his/her assessment.

(d) In the event of transfer, during the mid-school/college academic session, the permission to be granted by the competent authority for retention of Railway accommodation in terms of item (a) above will be subject to production of the necessary Certificates from the concerned school/college authority by the concerned Railway employee.

(Ref: No. E(G)2000 QR1-21 dt. 1/6/2001  
No. E(G)2002 QR1-7 dt. 13/11/2002)

#### 10.2 Special provision in respect of employees transferred to N.F. Railway.

(a) A Railway employee who has all India transfer liability or in the exigencies of public service, is posted on transfer to the N.F. Railway, will be permitted to retain railway accommodation allotted to him/her at the last station of his/her posting, on payment of normal rent/single flat rate of licence fee/rent upto 30.06.2008 or till revised orders are issued, whichever is earlier.

(Ref: No. E(G)2005 QR1-3 dt. 12/9/2005)

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N.F. Railway, Guwahati-7810  
Guwahati, Assam, India

the officers who have been transferred and posted to N.F. Railway is allowed for bona fide use of the dependent family of transferred railway

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the railway quarter at the last station of his/her posting. Such a certificate will also have to be furnished at the time of seeking retention.

(c) If no such certificate is received by 31<sup>st</sup> January and 31<sup>st</sup> July every year respectively, the quarter controlling authority may cancel the allotment of the quarter in question.

(d) The request for retention of entitled accommodation should be received within a period of one month from the date of relinquishing of charge at the last station of posting.

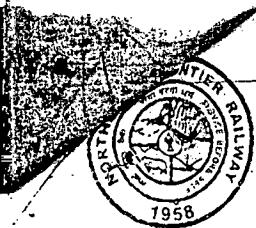
(Ref: No. E(G)98 QR1-17 dated 17.11.99)

(e) Such officers/staff who by virtue of the aforesaid instructions have been retaining Railway quarter at the previous place of posting and on completion of their tenure at N F Railway are posted to a place other than the previous place of posting (i.e. where they have been retaining the quarter), they will be eligible for permission to retain Railway quarter under their occupation as admissible in the case of permanent transfer. In other words, for the purpose of retention of quarter, the cases of such employees may be treated as if they have been transferred from the place they have been retaining the quarter and permission for retention of quarter considered as admissible in the case of permanent transfer.

(Ref No. E(G) 97 QR1-29 dated 15.9.98)

(f) In the event Railway officer/staff on transfer from one place to another involving change of residence has been permitted to retain the Railway accommodation at the previous place of posting as permissible under the relevant instructions and during the period of such authorised retention of Railway accommodation, the officer/staff is again transferred to N.F.Railway in that case the place where the employee is in authorised retention of Railway accommodation in terms of the permission granted in his/her favour by the competent authority may be taken as the "previous place of posting" for the purpose of retention of Railway accommodation provided that the concerned employee has not been allotted any regular accommodation at the new place of posting. These instructions shall also apply to cases where retention of quarter is/had been permitted under any other general or specific order of the Ministry of Railways.

(Ref: No. E(G)2001 QR1-19 dated 4-10-2001)



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### 10.3 Special provision in respect of Northern Railway employees posted in New Delhi/Delhi area on transfer to the Railway Board's Office.

An employee of the Northern Railway posted to Ministry of Railways (Railway Board) at New Delhi/Delhi area may be permitted to retain the Northern Railway quarter at New Delhi/Delhi area for a period of 4 months on payment of normal rent/flat rate of licence fee/rent. Further retention for another two months on the grounds of sickness or for 4 months on the grounds of education of children may be allowed subject to fulfilment of conditions in regard to production of certificate from the medical/school/college authorities. This will be subject to :-

- that the employee on transfer to Board's office immediately applies for allotment of General Pool accommodation, and
- that when an allotment is made by the Directorate of Estates the employee accepts the allotment and moves to the accommodation within the permissible period.

(Ref: E(G)85 QR1-9 dated 15/1/90)

### 10.4 On transfer to the same electrified suburban area

An employee posted at a station in the electrified suburban area of a Railway may on transfer to another station in the same electrified suburban area, be permitted to retain the Railway quarters at the former station on payment of normal rent/flat rate of licence fee/rent provided:-

- the Railway administration is satisfied and certifies that the concerned employee can conveniently commute from the former station to the new station for performance of duty without loss of efficiency; and
- the employee is not required to reside in an earmarked Railway quarter.

(Ref: E(G)85 QR1-9 dated 15/1/90)

### 10.5 Retention of Railway accommodation by the Railway Audit staff.

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Since the staff of Railway Audit Department also encounter the same difficulties of dislocation on transfer from one place to another and have to apply to the same Quarter Controlling Authorities for allotment of Railway

accommodation, as the Railway employees, staff of Railway Audit Department may be extended similar facilities for retention of Railway accommodation in the event of transfer necessitating change of residence as extended to Railway employees as per para 1 of Board's letter No. E(G)2000 QR1-23 dated 1/6/2001(para 10.1 of this Master Circular). Accordingly, the following provision is added as Item (d) under para 1 of Board's letter No. E(G)2000 QR1-23 dated 1/6/2001 and may be deemed to be part of the instructions from that date:

“(d) These instructions will also be applicable to the employees of Railway Audit Department in allotment and occupation of Railway accommodation.”

(Ref: E(G)2005 QR1-13 dated 6/7/2006)

#### **10.6 Retention of Railway quarters by apprentices.**

A serving employee who is selected as an apprentice either departmentally or through the R.R.B. may be allowed to retain the Railway quarters at the station from where he/she proceeds on training, during the period of his/her apprenticeship.

##### **Note:**

- i) All transfers should be treated as permanent transfers unless the orders of transfer themselves specifically indicate that the transfers are “temporary”.
- ii) In the case of house owning employees the normal rent means the rent required to be paid by the house owning employees in terms of the Ministry of Railway's letter No. E(G) 77 QR 1-53 dated 11.7.1984 and E(G)87 QR 1-21 dated 18.3.1988.
- iii) A member of family means husband or wife, as the case may be, and child/children only. Dependent relatives such as widow mother, dependent brother or sister are not to be included for the purpose of these concessions.
- iv) The current academic session refers to annual academic course ending with annual examination plus fifteen days and not till the results thereof are announced. It does not also mean the total duration of any course of study; for example, in respect of three years degree course, the current academic session means first or second or third year of the course, as the case may be, and not the total three years.



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An employee will have to furnish proper certificates from the recognised institution. Certificates for attending any part-time course or any course not recognised by the Education Department of the state is not acceptable for the purpose of retention of Railway quarter on educational ground.

v) In case an employee requests for retention of quarter on the ground of sickness of self or a family member and also on account of education of a child/children, the permissible periods for retention of quarter on the ground of sickness and/or education will run concurrently, and not in separate spells.

(Ref: E(G)85 QR1-9 dated 15/1/90 &  
E(G)2006 QR1-14(A) dated 20/11/2006)

#### 10.7 Temporary transfer:

(a) During the entire period of "temporary" transfer an employee may be permitted to retain the quarter at former place of posting on payment of normal rent/flat rate of licence fee/rent. Temporary transfer should not, however, be ordered for a period of more than four months unless there are pressing circumstances.

(b) Temporary transfers of non-gazetted employees initially for a period in excess of four months or by extension of the temporary transfer for periods aggregating more than four months should be ordered personally by an authority not lower than the Divisional Railway Manager. In respect of Gazetted employees, such temporary transfers should be ordered with the approval of the General Manager.

(c) In cases where temporary transfer is converted into permanent one, the Railway employee may be allowed to retain the Railway accommodation at the old duty station for further period as admissible on permanent transfer on payment of rent as prescribed therefor, from the date on which the employee is informed of the permanent transfer. This period will be over and above the period already allowed to the employee on temporary transfer.

(d) The Railway Administrations should review all cases of temporary transfer well before expiry of the period of four months of temporary transfer and decide whether the temporary transfer already ordered should continue to be temporary or be converted into a permanent one, to ensure that in the

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total period of retention of Railway quarters on payment of normal rent flat rate of licence fee/ rent is normally restricted to a period of six months.

**Note :**

If an employee already on temporary transfer to a station is again transferred to yet another station either on temporary or on permanent basis, the permissible period of retention of Railway quarters as applicable in the case of temporary or permanent transfer will count from the date of transfer of the employee from the station concerned, for the purpose of retention of quarter at the original station. In the case of permanent transfer of an employee to another station from the station where she/he was on temporary transfer, the limit of six months as in para 10.7(d) above, for retention of quarters at the original station on normal rent flat rate of licence fee / rent will not apply.

(Ref: E(G)85 QR1-9 dated 15/1/90)

**10.8 Surplus staff**

Railway employees rendered surplus and posted at a new station be allowed retention of Railway accommodation already allotted to them at their respective previous places of posting on normal rent for a period of 3 years or till allotment of Railway quarter at the new place of posting whichever is earlier. The period of 3 years shall count from the date of issue of transfer orders.

(Ref: No. E(G)2003 QR1-18 dt.8/9/2004)

**10.9 Railway officers/staff on deputation under Central Staffing Scheme and to other offices eligible for allotment of accommodation from General Pool.**

(a) Railway officers/staff proceeding on deputation to Central Ministries/Departments including UPSC, CVC and other central organizations which are eligible for allotment of accommodation from General Pool by Directorate of Estates would be governed by instructions governing retention of Railway quarter in the case of permanent transfer, i.e., para 1 of letter No. E(G)2000 QR1-23 dated 1/6/2001 (para 10.1 of this Master circular).

The earlier provision contained in para 4 of letter No. E(G)2000 QR1-23 dated 1/6/2001, 14/2/2002 and letter No. E(G)2003 QR1-19 dated 19/4/2004 have been superceded vide instructions dated E(G)2006 QR1-14(A) dated 20/11/2006.

(Ref. No. E(G)2006 QR1-14(A) dated 20/11/2006)



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(b) Deputation to State Government and Central Ministries outside Delhi where system of General Pool accommodation does not exist, rules of normal permanent transfer will be applicable.

(Ref: No. E(G)2000 QR1-23 dt. 1/6/2001 and 14/2/2002)

10.10 Group 'A' and 'B' Railway officers appointed in the personal staff of President, Prime Minister and Ministers in Central Govt. may be separated from the group of officers on deputation to Central Govt. Ministries/Department and be permitted to retain Railway quarter for the entire tenure of the posting with President, Prime Minister and Ministers in Central Govt. without the requirement of registering for allotment of General Pool accommodation for which they are otherwise eligible.

(Ref: No. E(G)2003 QR1-19 dated 2/9/2005)

10.11 An employee on deputation to another Ministry/Department of Central or State Govt. in India (not covered under provision 10.9 & 10.10 above) may be permitted to retain the Railway quarter on the terms and conditions as applicable in the case of permanent transfer.

(Ref: No. E(G)85 QR1-9 dated 8/1/91)

#### **10.12 Deputation abroad**

An employee on deputation abroad may be permitted to retain the Railway quarters as follows :

- for the entire period of his deputation abroad provided family passage facility is not availed of,
- in case an employee avails of the family passage concession he/she may be permitted to retain the quarters for a period of two months or upto the date of departure of family in India, whichever is earlier.

#### **Note:**

- "Deputation abroad" means transfer of an employee for service abroad, during which period 'pay and allowances' of the employee is charged to Government of India revenues.

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(ii) Railway employees posted abroad in the Indian Missions against posts, pay and allowances of which are borne by the Ministry of Railways will be treated as on permanent transfer for the purpose of retention of quarter in India.

(Ref: E(G)85 QR1-9 dated 15/1/90)

**10.13 Railway officers/staff proceeding on deputation to newly formed Railway Public Sector Undertakings/Societies.**

Railway officers/staff posted on deputation to newly formed Railway Public Sector Undertakings/Societies may be permitted to retain Railway accommodation but this facility can be provided by the Board on merits on a request by the PSUs and will be applicable only for a period of five years from the date of incorporation of the PSU/Society.

The rent chargeable towards retention of Railway accommodation permitted to Railway employees on deputation to PSUs are contained in paras 2 & 3 of letter No. E(G) 2000 QR1-23 dated 1.6.2001. In supercession of these instructions, it has been decided that in cases where Railway employees on deputation to PSUs are allowed to retain Railway accommodation at the previous place of posting, the concerned PSU/Organisation should credit to the concerned Railway unit, the amount equivalent to the entitlement for the leased accommodation of the Railway employee availing the retention facility.

(Ref: E(G)2000 QR1-23 dated 1/6/2001 &  
E(G)2006 QR1-14(A) dated 20/11/2006)

**10.14 Railway officers/staff proceedings on deputation to other PSUs etc.**

(a) Railway officers/staff posted on deputation to other Railway and non-Railway PSUs/Societies already established for more than five years would be permitted to retain the Railway quarters only for a period of two months on normal rent chargeable from the date they have joined Public Sector Unit. After this period, they will be treated as unauthorised occupants and action taken accordingly.

(b) Railway employees on special assignment to RITES or IRCON exclusively for Railway works only will, however, be allowed retention of Railway accommodation at the previous place of posting for a period of one year at a time and upto a maximum period of two years only.



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(c) The deputationist Railway employees to Dedicated Freight Corridor Corporation o India Ltd. (DFCCIL) and other SPVs may be allowed to retain the Railway accommodation at the previous place of posting for a maximum period of five years from the date of setting up of the SPVs or till the completion of construction of accommodation, whichever is earlier.

(d) The rent chargeable towards retention of Railway accommodation permitted to Railway employees on deputation to PSUs are contained in paras 2 & 3 of letter No. E(G) 2000 QR1-23 dated 1.6.2001. In supercession of these instructions, it has been decided that in cases where Railway employees on deputation to PSUs are allowed to retain Railway accommodation at the previous place of posting, the concerned PSU/Organisation should credit to the concerned Railway unit, the amount equivalent to the entitlement for the leased accommodation of the Railway employee availing the retention facility.

(Ref: E(G)2000 QR1-23 dated 1/6/2001 &  
E(G)2006 QR1-14(A) dated 20/11/2006)

#### **10.15 Special provision for Railway employees on deputation to CRIS**

Considering the fact that CRIS is a Society which cannot make profit and all its expenditures are charged to the Railway Projects, CRIS has been separated from the group of other PSUs for the purpose of allotment/retention of Railway accommodation. It has been decided that in the event of a Railway employee proceeding on deputation to CRIS, retention of Railway accommodation at the previous place of posting will continue to be governed by para 3 of Railway Board's instructions dated 1/6/2001 (para 10.14 of this Master Circular) permitting retention of Railway quarter for a period of only two months. In the event the deputationist Railway employee is posted by CRIS at the same station (from where the employee has proceeded on deputation to CRIS) where he/she is in allotment of Railway accommodation, on a request from CRIS with a certificate that no accommodation is available in its pool for allotment to the concerned employee, the deputationist Railway employee to CRIS may be allowed to retain the Railway accommodation under his occupation so long as the employee continues to be on deputation to CRIS and posted at the same station. In case the deputationist Railway employee to CRIS is posted at a different station, Railway accommodation as per the entitlement of the said employee may be allotted for the entire period of deputation to CRIS.

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(Ref: No. E(G)2005 RNS-8 dated 9/9/2005)

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• नगर निगम, दिल्ली, ८०००१६

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Guwahati Bench  
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10.16 Post-retirement engagements in Committees, Commissions etc.

Railway Board in their Meeting held on 11/10/2006 have reviewed the instructions contained in Board's letter No. E(G)2002 QR1-5 dated 19/10/2004 regarding retention/allotment of Railway accommodation to railway employees who are re-engaged in RCT on their retirement/voluntary retirement from Railway service. The following decisions have been taken:

- a) Railway officers on retirement/voluntary retirement and subsequent re-engagement in RCT as Vice Chairmen/Members shall be entitled to retention of Railway quarter for a total period of four months on payment of normal rent and further period of four months on payment of special licence fee, as permissible in the case of normal retirement. The Vice-Chairmen/Members of RCT can, however avail the above benefit of retention of accommodation admissible on retirement in broken spells, if they so desire, either at the time of their retirement/voluntary retirement from Railway service or final retirement from RCT or part of it at the time of retirement/voluntary retirement from Railway service and the remaining part at the time of retirement from RCT. Thus, the benefit can be availed in one or more spells subject to the condition that the total period of retention does not exceed eight months.
- b) Railway officers on retirement/voluntary retirement and subsequent re-engagement in CAT as Members shall also be entitled to retention of Railway quarter for a period of four months on payment of normal rent and a further period of four months on payment of special licence fee, as permissible in the case of normal retirement.
- c) Railway officers re-engaged in RCT, who do not avail retention of Railway accommodation on retirement/voluntary retirement from Railway service as at (a) above shall be entitled to retention of quarter at the time of retirement from RCT for a period of 4 + 4 months or the remaining portion of the retention (i.e. 4 + 4 months minus the retention already availed at the time of retirement from Railway service).
- d) The Railway officers re-engaged in RCT after their retirement/voluntary retirement and posted at the same station from where they retired, shall be allowed to retain the same accommodation so long as they continue in RCT at the same station provided the occupied house is not an earmarked house.
- e) Vice Chairmen of RCT not having Railway accommodation shall be eligible for allotment of Type-IV SpI., Type-V or Type-VI category of



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28 AUG 2003

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Guwahati Bench  
গুৱাহাটী বিধানসভা

Railway accommodations and Members/RCT not having Railway accommodation shall be eligible for allotment of Type-IV Spl. or Type-V category of accommodation on their turn at their place of posting.

- f) Prior to authorizing retention of Railway accommodation in favour of retired Members/Vice Chairmen of RCT, the rental payable for the period of retention should be remitted in advance prior to retirement. Further, two serving Railway officers with at least 2 years' remaining service should act as sureties on behalf of the Member/Vice Chairman for clearing any outstanding dues that may accrue.
- g) Officers working as Vice Chairmen/Members of the RCT as on 13/11/2003 (i.e. the date of first decision of full Board on the subject) shall be covered by these rules. To that extent orders as above are to be made applicable retrospectively.
- h) In the case of occupation of earmarked/non-pooled accommodation at the time of retirement, retention thereof should be permitted for a period of two months only and within this period an alternative accommodation of entitled category may be allotted and retention for the balance period permitted as provided above.

(Ref. No. E(G)2006.QR1-14(B) dated 20/11/2006)

#### 10.17 Training :

- a) An employee deputed for training in any Railway or non-Railway training institute/place or to attend seminar, conference, etc., may be permitted to retain the Railway quarters for the period of training, seminar, etc. on payment of normal rent/flat rate of licence fee/rent.
- b) An employee deputed for training abroad under any aided scheme such as Colombo plan, etc. or at Government expenses may be permitted to retain the Railway quarters for the entire period of deputation for training abroad.
- c) When an employee already transferred from a station is deputed for training in India or abroad during the permissible period for retention of Railway quarters at the old station, the period of retention of quarters as admissible on transfer will be automatically got extended by the period of deputation for training. The rent to be charged for the period of deputation for training will be normal rent/flat rate of licence fee/rent.

Attested

8-25/8/09

(20)  
(21)

if the training commences from a date within the first two months of transfer and special licence fee if it commences after the first two months.

(Ref: E(G)85 QR1-9 dated 15/1/90)

#### **10.18 Leave including Extraordinary Leave :**

(a) A Railway employee in occupation of Railway quarter may be permitted, while on leave for a period not exceeding 120 days, to retain the quarter for the period of leave on payment of normal rent/flat rate of licence fee/rent provided the authority sanctioning the leave certifies that the employee concerned is likely to be posted back to old station on expiry of his leave.

(b) When an employee takes leave (LAP) before he/she is ordered to be transferred, he/she may be permitted to retain the quarter for the period of leave upto the date of transfer/relief on payment of normal rent/flat rate of licence fee/rent and thereafter he/she may be allowed retention of the quarter as applicable in case of transfer on payment of rent, as specified therefor.

(c) When an employee takes leave after he/she is transferred/relieved, he/she may be permitted to retain the Railway quarters at the old station for the period permissible in case of transfer counted from the date of relief on payment of rent, as specified therefor. The period of retention of quarter permissible in case of leave will not be allowed in addition.

#### **10.19 Leave on Medical Ground :**

(i) An employee on medical leave may be permitted to retain the quarter for the full period of leave on payment of normal rent/flat rate of licence fee/rent.

(ii) When an employee already on medical leave is ordered to be transferred to another station, retention of Railway quarter will be permitted for the period of medical leave on normal rent/flat rate of licence fee/rent and thereafter for periods as admissible on transfer on payment of rent as specified in case of transfer.

(iii) When an employee already relieved on transfer to another station takes leave on medical ground, the period for retention of Railway quarter on transfer will automatically get extended by the period of sanctioned medical leave. During the period of medical leave, normal rent/flat rate of licence fee/rent should be



28 AUG 2009

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charged if the medical leave is taken from a date within the first two months of transfer and double the flat rate of licence fee etc, if it is taken after the first two months.

## 10.20 Maternity Leave :

An employee granted maternity leave may be permitted to retain the Railway quarter for the period of maternity leave plus any leave granted in continuation thereof subject to a maximum of 5 months.

### 10.21 Leave Preparatory to Retirement

An employee granted leave preparatory to retirement may be permitted to retain the Railway quarter for the full period of leave on average pay subject to a maximum of 180 days.

**10.22 Leave granted to employees who retire under the provision of FR 56(1):**

An employee who retires from service under the provision of FR 56(i) may be permitted to retain the Railway quarter during the period of earned leave, not exceeding four months sanctioned preparatory to retirement, on payment of normal rent. The concession regarding retention of Railway quarter after retirement will not be available to such a retired employee, in addition.

**10.23 Retention by State Government/Union Territories employees on repatriation.**

An employee of the State Government/Union Territory on deputation with the Indian Railways may, on repatriation to the parent Government/Department be permitted to retain the Railway quarter for a period of 2 months from the date of relief on payment of normal rent.

### 10.24 Leave ex. India

An employee on leave ex-India not exceeding 180 days may be permitted to retain the quarter on payment of normal rent/flat rate of licence fee/rent for the entire period, provided the employee and the employer have agreed to do so.

४. प्राप्ति कानूनी (विभ. ४) ।  
40016. Personnel Officer (Legal Cell)  
पा. नं: वृत्ति, नालिंगां, गुजरात-३६०  
• डॉ. वलिंगां अध्यक्ष •

(33) (21)

outside India and the competent authority certifies that the employee will be posted to the place of posting on expiry of the leave period.

#### **10.25 Study Leave :**

- (a) In case the officer is in occupation of accommodation below his entitlement, for the entire period of study leave on payment of normal rent.
- (b) In case the officer is in occupation of his entitled type of accommodation, for the period of study leave but not exceeding six months on payment of normal rent provided that where the study leave extends beyond six months, he may be allotted alternative accommodation, one type below his entitlement, on the expiry of six months or from the date of commencement of the study leave if he so desires.
- (c) In case the officer does not want to shift to the house below his entitlement, he will be charged special licence fee for the entire period of study leave after the initial 6 months for which only normal rent should be charged.

(Ref: E(G)85 QR1-9 dated 15/1/90  
E(G)91 RN6-1 dated 22/9/92)

#### **10.26 Missing Railway employees**

The family of missing Railway employees may be permitted to retain Railway quarter for a period of one year, on payment of normal rent, from the date of lodging of FIR (the period from the date from which the employee is missing till the date of filing FIR would automatically get regularised) with the police by the family of missing Railway employee. On the certification of the police authorities that the missing employee is not traceable and the whereabouts of the person could not be known, the family of the missing Railway employee may be permitted further retention of Railway quarter for a period of one year on payment of normal rent.

(Ref: No. E(G)2001 QR1-17 dated 17/7/2002)

#### **10.27 Retirement :**

Railway employees on retirement, including voluntary retirees and those retired compulsorily, may be permitted to retain non-ear-marked Railway accommodation for a period of 4 months on payment of normal rent/flat rate of



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of special licence fee, i.e., double the normal rent or double the flat rate of licence fee. This is also applicable to audit staff doing Railway audit work. The cases of retirement on medical invalidation grounds are also to be treated at par with normal retirement.

Beyond the permitted/permisible period, however, no further extension will be allowed on any ground, whatsoever. Therefore, no request or representation on this score shall be entertained. For all occupations beyond the permitted period, therefore, immediate action should be taken to cancel the allotment, declare the occupation as unauthorised and initiate eviction proceedings, charging damage rent for the over stay.

(Ref No. E(G)2000 QR1-23 dated 1-6-2001)

Retention of non-pooled Railway accommodation in the event of transfer, retirement etc is governed by instructions contained in letter No. E(G) 2001 RN4-10 dated 17.9.2002. In partial modification of these instructions, it has been decided that the Railway employees in occupation of non-pooled Railway accommodation at the time of their retirement may be allowed retention of the non-pooled accommodation under their occupation for a period of two months only. In the event, the concerned retired Railway employee so desires to further retain Railway accommodation, on request, an alternative Railway accommodation of his/her entitled category may be allotted at the place of his choice anywhere in India, subject to availability, for the remaining period of six months, on payment of usual rent as charged in the case of retention of accommodation on retirement under the extant instruction (Para-5 of letter No. E(G) 2000 QR 1-23 dated 1.6.2001).

(Ref. No. E(G)2006 QR1-14(B) dated 20/11/2006)

#### **10.28 Resignation /dismissal /removal :**

An employee who resigns from service or is dismissed or removed from service may be permitted to retain the railway quarter for a period of one month only on payment of normal rent/flat rate of licence fee.

(Ref: E(G)85 QR1-9 dated 15/1/90)

#### **10.29 Death :**

The family of an allottee Railway employee who dies while in service may be permitted to retain the Railway quarter for a period of twenty four months on

Attested

23/8/03

Personnel Officer (Legal Cell)  
Guwahati, Assam-781014

Central Administrative Tribunal  
পূর্ব প্রশাসনিক নির্বাচনী

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Guwahati Bench

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(iii) One set of post-retirement pass should be disallowed for every month of unauthorised retention of Railway quarter by retired employee in terms of provisions of Railway Servants Pass Rules. The concerned retired employee may be allowed the privilege of post-retirement passes, after the period, during which the forfeited passes would have been admissible, is over. A show cause notice to this effect may be issued to the retired employee before disallowing the pass.

(iv) The provisions under Sub Rule (8) of Rule 16 of the Railway Services (Pension) Rules, 1993, as reproduced below for ready reference, shall be strictly followed.

**Note:**

In respect of Railway servants holding Government accommodation allotted by Directorate of Estate, procedure as specified under Rule 16(1) to Rule 16(7) of Railway Services (Pension) Rules 1993 would be applicable.

(Ref: E(G)2000 QR1-23 dated 1/6/2001)

**Sub Rule 8 of Rule 16 of Railway Services (Pension Rules), 1993**

"8(a) In case where a railway accommodation is not vacated after superannuation of the Railway servant or after cessation of his services such as on voluntary retirement, compulsory retirement, medical invalidation or death, then, the full amount of retirement gratuity, death gratuity or special contribution to provident fund, as the case may be, shall be withheld.

(b) The amount withheld under clause (a) shall remain with the Railway administration in the form of cash.

(c) In case the Railway accommodation is not vacated even after the permissible period of retention after the superannuation, retirement, cessation of service or death, as the case may be, the railway administration shall have the right to withhold, recover, or adjust from the Death-cum-retirement Gratuity, the normal rent, special licence fee or damage rent, as may be due from the ex-railway employee and return only the balance, if any, on vacation of the Railway accommodation.

(d) Any amount remaining unpaid after the adjustment made under clause (c), may also be recovered without the consent of the pensioner by the concerned



1958 Accounts Officers from the dearness relief of the pensioner until full recovery of such dues has been made.

(e) Dispute, if any, regarding recovery of damages or rent from the ex railway employee shall be subject to adjudication by the concerned Estate Officer appointed under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971).

(Ref: No. F(E)III/97 PN1/14 (Amendment) dated 24/5/2000)

Item No.XX below Column No. 3, in Schedule IV (Post Retirement Complimentary Pass) of Railway Servants (Pass) Rules, 1986 (2<sup>nd</sup> Edition, 1993).

“(XX) One set of post-retirement complimentary pass shall be disallowed for every month of unauthorised retention of /railway quarters by retired officer/staff. For this purpose, a part of month exceeding 10 days in any calendar month shall be taken as a full month. A show cause notice to this effect may be issued to the concerned retired employee before disallowing the complimentary passes. The concerned retired employee shall be allowed the post-retirement complimentary passes after the period during which forfeited passes could have been admissible is over.”

(Ref: No. E(W)99 PS 5-1/4 dated 3/11/99)

## 14.0 Powers to relax

Notwithstanding anything contained in the general orders, guidelines etc. in regard to allotment/retention and charging of rent in respect of Railway accommodation in Railway Board's Master Circular No. 49 (No. E(G)92 QR1-20 – Master Circular) dated 19/1/1993 as further amended from time to time, the Ministry of Railways (Railway Board), for reasons to be recorded in writing, may make reasonable relaxations in public interest in all or any of the existing provisions therein regarding allotment/retention of Railway accommodation and charging of rent therefor, for a class/group of employees.

Every proposal meriting relaxation to cover a group of such individuals affected by extreme hardship on medical grounds, shall be considered by the full Board in terms of laid down policy guidelines/instructions regulating the subject

(37) (26)

matter, vis-à-vis the operational and administrative needs of the Railways and decision taken by Board thereon, shall be communicated by issue of orders.

Notwithstanding anything contained in paras above preceding, Board may also permit retention of Railway accommodation as a special case in the case of individuals constituting a class on medical grounds which necessitate the retention of Railway accommodation beyond the permissible period".

The following procedure/guidelines shall be followed in processing cases for grant of retention of accommodation over and above the permissible period as laid down in the general instructions:-

- (i) The individual Railway employee who seeks retention of Railway accommodation beyond the period permissible under the general policy on medical grounds, may apply to the quarter controlling authority alongwith certificate from the Railway Medical Authorities. The quarter controlling authority shall process the request for the personal approval of the General Manager.
- (ii) If the General Manager is satisfied that there are adequate and reasonable grounds for permitting further retention, he may make his recommendations to the Railway Board with a speaking order for grant of this dispensation.
- (iii) The retention of Railway accommodation beyond the permissible period on medical grounds may be granted by the competent authority for a period not exceeding one year in any case.
- (iv) The benefit of retention of Railway accommodation shall be admissible in the case of severe illness of Railway employee himself/herself or any member of the employee's family as defined in the Railway Servants (Pass) Rules.
- (v) "Severe illness" in such cases means illness of the nature of acute debilitating disease, which requires hospitalization and/or prolonged indoor medical treatment or repeated indoor treatment to the Railway employee or any member of his/her family, which must be duly certified by the concerned Chief Medical Director of the Railway recommending such retention of Railway accommodation."
- (vi) The rate of rent to be charged for the extended retention shall be at four times of the normal licence fee per month.



15B. Accounts Officers from the dearness relief of the pensioner until full recovery of such dues has been made.

(e) Dispute, if any, regarding recovery of damages or rent from the ex railway employee shall be subject to adjudication by the concerned Estate Officer appointed under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971)."

(Ref: No. F(E)III/97 PN1/14 (Amendment) dated 24/5/2000)

Item No.XX below Column No. 3, in Schedule IV (Post Retirement Complimentary Pass) of Railway Servants (Pass) Rules, 1986 (2<sup>nd</sup> Edition, 1993).

“(XX) One set of post-retirement complimentary pass shall be disallowed for every month of unauthorised retention of /railway quarters by retired officer/staff. For this purpose, a part of month exceeding 10 days in any calendar month shall be taken as a full month. A show cause notice to this effect may be issued to the concerned retired employee before disallowing the complimentary passes. The concerned retired employee shall be allowed the post-retirement complimentary passes after the period during which forfeited passes could have been admissible is over.”

(Ref: No. E(W)99 PS 5-1/4 dated 3/11/99)

## 14.0 Powers to relax

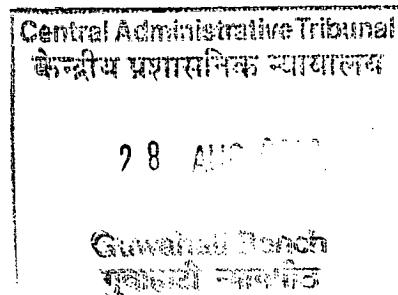
Notwithstanding anything contained in the general orders, guidelines etc. in regard to allotment/retention and charging of rent in respect of Railway accommodation in Railway Board's Master Circular No. 49 (No. E(G)92 QR1-20 – Master Circular) dated 19/1/1993 as further amended from time to time, the Ministry of Railways (Railway Board), for reasons to be recorded in writing, may make reasonable relaxations in public interest in all or any of the existing provisions therein regarding allotment/retention of Railway accommodation and charging of rent therefor, for a class/group of employees.

Every proposal meriting relaxation to cover a group of such individuals affected by extreme hardship on medical grounds, shall be considered by the full Board in terms of laid down policy guidelines/instructions regulating the subject

Attested -  
S. 25/8107

Att. No. 1070  
Law Officer (Legal Cen.)  
Date 1971-7-18

- 31 -



## Geographical Branch

matter, vis-à-vis the operational and administrative needs of the Railways and decision taken by Board thereon, shall be communicated by issue of orders.

Notwithstanding anything contained in paras above preceding, Board may also permit retention of Railway accommodation as a special case in the case of individuals constituting a class on medical grounds which necessitate the retention of Railway accommodation beyond the permissible period".

The following procedure/guidelines shall be followed in processing cases for grant of retention of accommodation over and above the permissible period as laid down in the general instructions:-

- (i) The individual Railway employee who seeks retention of Railway accommodation beyond the period permissible under the general policy on medical grounds, may apply to the quarter controlling authority alongwith certificate from the Railway Medical Authorities. The quarter controlling authority shall process the request for the personal approval of the General Manager.
- (ii) If the General Manager is satisfied that there are adequate and reasonable grounds for permitting further retention, he may make his recommendations to the Railway Board with a speaking order for grant of this dispensation.
- (iii) The retention of Railway accommodation beyond the permissible period on medical grounds may be granted by the competent authority for a period not exceeding one year in any case.
- (iv) The benefit of retention of Railway accommodation shall be admissible in the case of severe illness of Railway employee himself/herself or any member of the employee's family as defined in the Railway Servants (Pass) Rules.
- (v) "Severe illness" in such cases means illness of the nature of acute debilitating disease, which requires hospitalization and/or prolonged indoor medical treatment or repeated indoor treatment to the Railway employee or any member of his/her family, which must be duly certified by the concerned Chief Medical Director of the Railway recommending such retention of Railway accommodation."
- (vi) The rate of rent to be charged for the extended retention shall be at four times of the normal licence fee per month.



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(vii) In the event of grant of permission for retention of Railway accommodation at the previous place of posting beyond the period provided for in the relevant instructions, the employee in whose favour retention as above has been permitted, shall not be entitled to draw House Rent Allowance at his new place of posting.

(viii) The allottee will have to vacate the premises on or before the expiry of permitted period, and in the event of occupation of quarter after the permitted period of retention, it shall be treated as an unauthorised occupation and (damage) rent will be charged from him/her.

The request of officers in SAG and above for retention of accommodation on medical grounds as specified above, shall be forwarded to the Railway Board by the General Manager while all other cases will be dealt with at AGM's level for forwarding to Board along with recommendations for consideration.

(Ref No. E(G)99 QR1-16 dated 16/3/2004 & 1/9/2005)

#### 15.0 In addition, separate orders also exist about :-

a) i) Hiring of accommodation for residential use of officers-policy regarding.

No.92/LM/B/22/1 dated 8.5.1992 ..... Annexure 'A'.

(ii) Rental ceiling for hiring of private accommodation for residential use of gazetted officers.

No.2003/LMB/12/02 dated 13/12/2005 ..... Annexure 'B'

(iii) Retention of hired/leased private accommodation by Railway Officers on retirement, transfer deputation etc.

No.98/LMB/12/18 dated 9.12.98 ..... Annexure 'C'

No. 2001/LMB/12/21 dated 28/2/2002.....Annexure 'D'

b) Rates of licence fee (standard rent) for residential accommodation all over the Indian Railways.

No. F(X)I-2002/11/2 dated 9/3/2005..... Annexure 'E'

Rates of damages for unauthorised occupation of Railway accommodation.

Attested No. F(X)I-1999/11/1 dated 17/3/2005..... Annexure 'F'

28/3/08  
Date  
Personnel Officer (Legal Cell)  
Ranbir Singh, 7018121-7810  
Deputy Commissioner  
Central Administrative Tribunal  
नियन्त्रित प्रशासनिक न्यायालय

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d) Classification of sub-standard quarters and the assessment of their licence fee.

No. F(X)I-2003/11/1 (DC/JCM Meeting) dated 29/7/2003...Annexure 'G'

(Copy of Board's letter No. F(X)II-63-RN1/7 dated 8/7/63 is also enclosed at Annexure 'H')

e) Recovery of licence fee for private houses leased by Railways for use as a residence by officers.

No. F(X)I-95/11/2 dated 9/9/98 ..... Annexure 'F'

This Master Circular is only a compilation of the instructions issued on the subject of allotment/retention of Railway quarters, and should not be treated as substituting the originals. Since only the important instructions on the subject have been included in this Master Circular, some instructions might not have found place herein. If any circular on the subject has been missed or not included in this Master Circular, it should not be deemed to have been superseded simply because of its non-inclusion and should be treated as valid and operative. In case of any doubt, the original circular should be relied upon as authority.

Please acknowledge receipt.

(RAVINDER PANDEY)  
DY. DIRECTOR, ESTABLISHMENT(G)

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Annexure

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## NORTHEAST FRONTIER RAILWAY

Office of the  
General Manager(P)  
Malligaon, Guwahati-11

No.E/105/31/16(FS)

Dated 06.06.

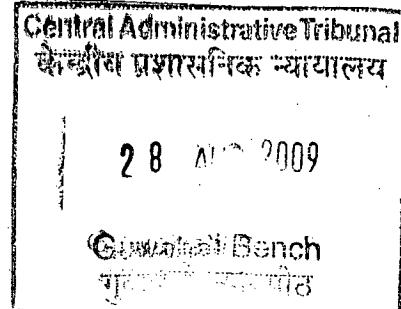
To

Sr.DPO/DPO/KIR,APDJ,RNY,LMG & TSK  
APO/DBRT,NBQ,GHY,CH/MLG

Sub:- With hold of Gratuity for non vacation of Railway Quarter.

The following number of payment of with held gratuity could not be released due to  
non-vacation of Railway quarter.

1. KIR = 37
2. APDJ = 70
3. RNY = 96
4. LMG = 282
5. TSK = 37
6. DBRT = 9
7. NBQ = 39
8. GHY = 18
9. CH/MLG = 42
10. HQ = 22



The Plinth area of Railway quarter type wise is as under

1. Type-I. = 25 Sq.mtr to 35 Qrs <sup>Sq.mtr</sup>
2. Type-II. = 48 Sq.mtr to 55 Qrs <sup>Sq.mtr</sup>
3. Type-III = 60 Sq.mtr to 70 Qrs <sup>Sq.mtr</sup>

The rate of damage Rent for ordinary locality is as under:-

On 30.11.2004 = Rs.76/- PM Sq.mtr.

w.e.f 1.12.2004 = Rs.88/- PM Sq.mtr. 1.12.06 - 99

In the light of above all pending cases with holding of gratuity on account of  
non vacation of Rly Quarter to be reexamined whether the damage rent and electric  
charge Bill is higher than the with held amount of gratuity. If the damage rent is  
higher than the with held amount of gratuity, the payment of relief of pension  
should be stopped till damage rent is adjust.

Affected

25/6/09

4504  
53/431  
GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

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50-82 28

No. F(X)I-99/11/1

New Delhi, dated 24.07.2002.

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The General Managers,  
All Indian Railways including Production Units,  
(as per Standard Lists Nos I to III).

Sub: Revision of rates of damages for unauthorised occupation of Railway accommodation.

In terms of this Ministry's letter No. F(X)I-86/11/9 dated 1.4.1989, it was decided that the rates of damages fixed for unauthorised occupation of Railway accommodation would remain in force for a period of two years or till further orders, from the date of effect of orders issued on the subject matter. As a result, the damage rates, last fixed for unauthorised occupation of Railway accommodation vide this Ministry's letter No. F(X)I-97/11/5 dated 30.12.1997, have now undergone two revisions.

2. Accordingly, in partial modification of all orders/guidelines issued on the subject matter in the past, it has now been decided to revise the rates of damages for unauthorised occupation of railway accommodation as under:-

(i) Rates of damages effective from 1.11.1999 to 30.4.2002:

(Rupees per sq.m. of plinth area/per month)

Type of accommodation	Existing rates			Revised rates effective from 1.11.1999		
	Class 'A-I'	Class 'A', 'B-I' & B-II	Class 'C' & unclassified	Class 'A-I'	Class 'A', 'B-I' & B-II	Class 'C' & unclassified
I to IV	49	37	33	57	43	38
V & above	72	54	48	83	63	56

Attested  
8/25/02

कानूनी अधिकारी (विधि १०)  
Asstt. Personnel Officer (Legal Con.  
संगीत रैली, सालिमांब, गुवाहाटी-७८१०  
Railway Malasses, Guwahati-781001

Central Administrative Tribunal  
न. द्रौपदी प्रशासनिक न्यायालय

28 AUG 2009

2nd Bench  
गुवाहाटी न्यायालय

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 (ii) Rates of damages effective from 1.5.2002.

(Rupees per sq.m. of plinth area/per month)

Type of accommodation	Existing rates effective from 1.11.1999 revision			Revised rates effective from 1.5.2002		
	Class 'A-I'	Class 'A', 'B-I' & 'B-II'	Class 'C' & unclassified	Class 'A-I'	Class 'A', 'B-I' & 'B-II'	Class 'C' & unclassified
I to IV	57	43	38	114	86	76
V & above	83	63	56	166	126	112

3. The rates as stipulated in para 2(ii) above will remain in force for a period of two years from the date of effect or till further orders.

4. In old cases, where the unauthorised occupation existed/exists before 1.11.1999/1.05.2002 and the same had continued/continues thereafter, the damages at the revised rates as mentioned in para 2(i) and (ii) will be recovered respectively from 1.11.99 or 1.05.2002, as applicable.

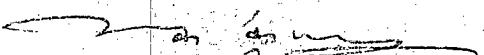
5. In addition garden charges and other charges as applicable in respect of above two revisions, will also be recovered.

6. These rates will be effected in respect of revisions made vide:

(a) Para 2(i) above, from 1.11.1999 till 30.4.2002, &

(b) Para 2(ii) above, from 1.05.2002 to two years or till further orders.

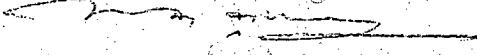
7. Please acknowledge receipt.

  
 (A.K. Bhatia)  
 Deputy Director, Finance (Exp.)  
 Railway Board

No. F(X)I-99/11/1

New Delhi, dated: 24.07.2002.

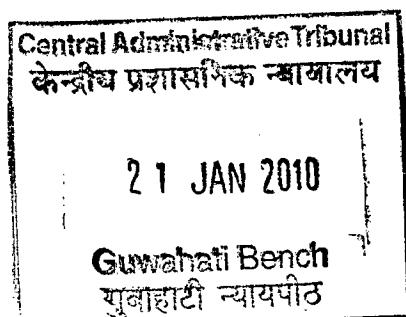
Copy to DAI, Railways, New Delhi (with 25 spares).

  
 (A.K. Bhatia)  
 Deputy Director, Finance (Exp.)  
 Railway Board

Copy to: G(Acc.), E(G) (with 10 spares), L&A, Branches and IG/RPG, Railway Board.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI

OA NO. 82/2009



Shri Pradip Kumar Ghosh  
.....Applicant

-VERSUS-

UNION OF INDIA & ORS  
.....Respondents

*Rejoinder filed by the applicant: ~~Ans~~*

1) That the applicant has received a Copy of the Written Statement and has gone through the same and understood the contentions made therein. The applicant has understood the contentions made therein. Save and except the statements, which are specifically admitted herein below, rests may be treated as total denial. The statements, which are ~~new~~ not borne on records, are also denied and respondents are put to the ~~new~~ <sup>strictest proof thereof.</sup>

2) That with regard to the statement made in paragraphs 1 and 2 of the Written Statement, the applicant offers no comment as it needs judicial scrutiny of the Hon'ble Tribunal.

3) That with regard to the statement made in paragraph 3 of the Written Statement, the applicant while denying the allegations made therein begs to submit that at no point of time applicant has tried to mislead the Hon'ble Tribunal. In the instant case the applicant has not challenged the transfer order. Since the applicant has annexed both the order dated

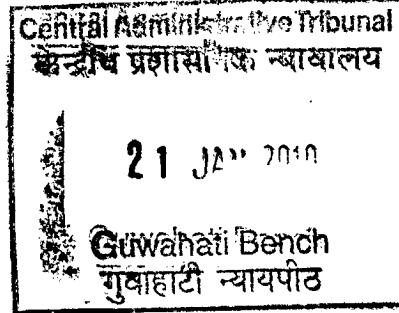
I undertake to serve  
a copy of rejoind  
on Dr. M.C. Santra, R.A.

Usha Das.

21/1/2010.

Pradip K. Ghosh.

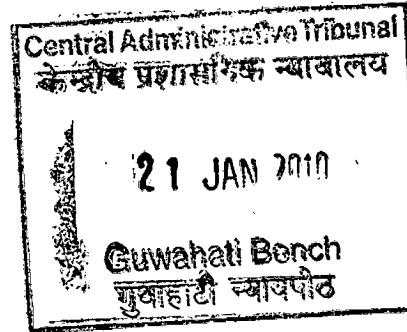
Filed by  
the applicant through  
Usha Das  
Advocate  
1 21/1/2010  
100



07.4.2005 and 07.6.2007 wherein it is specifically mentioned that as "you are hereby spared and directed to SS/RNY to carryout your transfer & posting order vide DRM (P) RNY's office order No. E/254/RN/Optg. 05(Tr) D dt. 07/04/2005." So question of misleading does not come.

- 4) That with regard to the statement made in paragraph 4.1 of the Written Statement the applicant begs to offer no comment.
- 5) That with regard to the statement made in paragraph 4.2 of the Written Statement the applicant begs to be is honest, humble and efficient employee of Railway. The respondents have made the statements in a very lucid manner that however, by resorting to the usual practice of *delaying his release from New Bongaigaon he managed to stay at New Bongaigaon* fro more than two years after the issue of transfer order. If the applicant has not carried out the transfer order it is not informed by the respondent before the Hon'ble Tribunal why no disciplinary action was not taken against the applicant.
- 6) That with regard to the statement made in paragraph 4.2 of the Written Statement the applicant begs to submit that the applicant has informed the respondents that the applicant's daughters are studying in Kendriaya Vidyalaya Sangathan and there is no KVS School at Rangia. It was not possible to change the school of both the daughter at that stage. The applicant filed various representations before the respondents for retention of his quarter at Bongaigaon but the respondents have never given reply to any of those. There are employees in the Railway

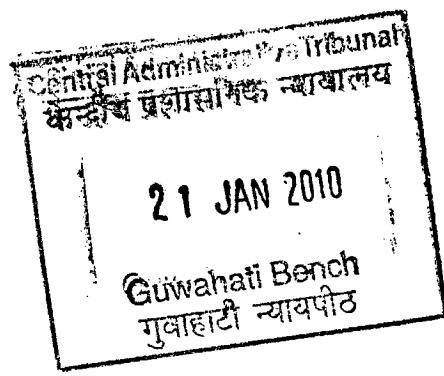
Pradip K. G. Koch



administration whose cases have been considered favorably by allowing staying for more then permissible period as stated by the respondents.

- 7) That with regard to the statement made in paragraph 4.4 of the Written Statement the applicant begs to rely and refer upon the statements made in the OA. The order dated 06.11.2008 was issued much after deduction of Penal Rent and arrear rent i.e. w.e.f. March 2008. It is also pertinent to mention here that the applicant was transferred back to Rangia from New Bongaigaon vide order dated 14.7.2008, spared on 23.7.2008 and joined at New Bongaigaon on 24.7.2008. Since the applicant is still serving the respondents and at no point of time he holds two accommodations at a time hence the respondents are wrong in declaring the applicant as unauthorized occupant only for the reason that after retransferred to Bongaigaon he did not ask for accommodation. The respondents were well conversant with the fact that the applicant was accompanying the quarter prior to transfer to Rangia. The respondents being the model employer could not have declared the applicant as unauthorized and recover arrear rent and Penal Rent. However the applicant was never informed about the fact that the respondents have treated the applicant as unauthorized occupant.
- 8) That with regard to the statement made in paragraph 4.5 of the Written Statement the applicant begs to submit that the applicant relies upon the statements made in paragraph 4.6 of the OA.
- 9) That with regard to the statement made in paragraph 4.6 of the Written Statement the applicant begs to submit that as a Railway employee on transfer back to New Bongaigaon in the same capacity he was entitled

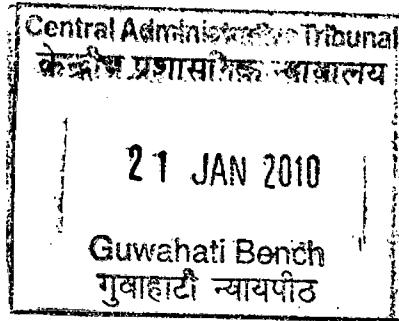
Pradip Kr. Ghosh



to get an accommodation and since the applicant was already in accommodation in the same quarter he did not make any fresh prayer for accommodation. Before deduction of Penal Rent no notice/order was issued to the applicant hence the action of the respondents of not giving any prior notice before deduction of Penal Rent from the monthly salary of the applicant is bad in law hence liable to be set aside and quash. The applicant should get the entire money back deducted from the salary of the applicant in the form of Penal Rent and Arrear Rent with interest at the tune of @ 18% per annum.

- 10) That with regard to the statement made in paragraph 4.11 of the Written Statement the applicant begs to submit that the respondents themselves have admitted that the applicant is experienced as a senior Trains office staff and his devoted duty is very much required in the administration. To give complete devotion to duty one has to be free from unnecessary pressure. Since the applicant is the only male member in the family with his two school going daughters and old ailing mother hence it was necessary to keep his family at the old station at New Bongaigaon. The respondents being the welfare organization could have appreciated the facts and allowed his to retain his family as authorized occupant. On the contrary even after retransferred the respondents continuously deduction Penal rent except two months in between.
- 11) That the applicant begs to submit that it is not a case that the respondents do not understand the inconveniences caused to the family members of the employees basically the school going children in the event of transfer one place to another. Hence the Railway Board issued

Pradipt K. Ghosh.

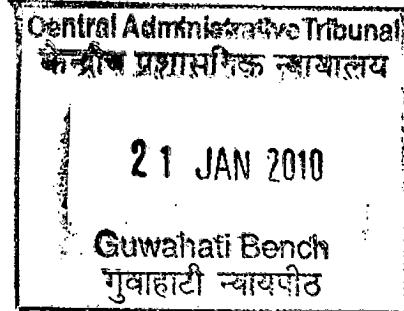


letters time to time for retention of Railway Accommodation at the previous place of posting in favour of officers/staff posted to New Division. But the respondents in the present case have not considered the factual aspect of the matter with ill motive and deducted Penal Rent without putting any notice prior to such deduction, which is contrary to the present position of Law. In fact the Railway Board has issued a letters vide No. E (G) 2008 QR1-1 dated 22.5.2009 and No. E (G) 2007 QR 1-5 and R. B. E. No. 189/09 dated 26.10.2009 permitting the Railway Staff posted to Pune Division in Central Railway & Rangia Division in N. F. Railway post facto up to 31.08.2009.

Copies of the letters dated 22.5.2009 and 26.10.2009 are annexed herewith and marked as Annexure- 1 and 2 respectively.

12) That in view of the facts and circumstances narrated above as well as in the OA the applicant prays before the Hon'ble Tribunal allow the OA with cost as prayed for in the OA.

Prodip K. Ghosh



**VERIFICATION**

I, Shri Pradip Kumar Ghosh, Son of Late M. Ghosh, aged about, 47 years, presently working as Head Trains Clerk, in the Office of the Divisional Railway Manager (P), N. F. Railway, Rangia Division, Rangia at New Bongaigaon Assam, who applicant in the present application hence competent to sign the verification and so hereby solemnly affirm and state that the statement made in paragraph.....1 to 12.....are true to my knowledge and belief, those made in paragraph.....are matter of records, are true to my information derived there from and the rests are my submission before this Hon'ble Tribunal. I have not suppressed any material fact before the Hon'ble Tribunal.

And I sign this affidavit on this 18<sup>th</sup> day of January 2010 at Guwahati.

Pradip Kumar Ghosh.

DEPONENT

Office of the  
General Manager (P)  
Maligaon

Dated: 06-06-2009.

106

Misc- 1790  
No.E/9/0-4/Pt.VII (C)

7- M/8C

80

GM (Con)/ Maligaon, AGM/Maligaon,  
All PHODS, DRMs, ADRMs, CWM/NBQ, DBWS, Sr.ARM/NJP, GHY,  
All Sr. DPO/DPOs DFMS, DSC (RPF), WAO/NBQs, DBWS, AM (P&K) GGN,  
SAO/NJP, All Area Managers, AMM/BLST, DEN/DBRT, WM/EWS/BNGN,  
ALL CMS/MS, PRINCIPAL, ZRTI/APDJ, PRINCIPAL, STC/NBQS,  
Sr. DEN/MLG, Sr. EDPM/MLG, Sr. DSTE/MLG, Dy CMM/PNO,  
DY.CSTE (TC)/MLG, CPRO, Dy CAO/Cash & Pay/MLG,  
All Non-divisionalised Units, MD/CH/MLG, DY CMM/NJP, DGM (G)/MLG  
All Sr. DME (D)s, Dy. CPO (Con)/MLG, Chairman/RKB/GHY,  
DSTE (WS)/PNO, Dy. CPO/GAZ, Dy CPO/HQ, Dy CPO/MPP, Dy. CPO/RP,  
Dy. CPO/RRC, All SPOs and APOs P.Branch/Maligaon.  
The GS/NFREU, NFRMU, AISCTREA, NFROBCEA, NFRPFA/MLG.

Sub: - Retention of railway accommodation at the previous place of posting  
in favour of officers/staff posted to New Zones

A copy of Railway Board's letter No.E (G) 2008 QR.I-1 dated 22.05.2009 (RBE.No.88/09) on the above subject is forwarded for information and necessary action. Railway Board's earlier letters were circulated under GM (P)/MLG's letter No. Misc-1692 dated 31.3.04, Misc-1711 dated 5-4-05 and Misc-1741 dated 29.6.06.

*Anvita Sinha*  
Mrs. Anvita Sinha 10/6/09  
Dy.CPO/MPP  
for General Manager (P)

(Copy of Board's letter No.E(G) 2008 QR I-1 dated 22.5.2009)

Sub: Retention of Railway accommodation at the previous place of posting  
in favour of officers/staff posted to New Zones.

Ref: Board's letter No:E(G) 2007 QR1-5 dated 30.08.07 and No:I(G) 2008  
QR1-1 dated 02.05.08 and 05.09.08.

As the Railways are aware, instructions have been issued from time to time for permitting railway staff posted to new zones to retain railway accommodation at the previous place of posting. As per letter dated 05.09.08 referred to above, only railway staff posted to East Central Railway have been permitted to retain railway accommodation at the previous place of posting up to 31.08.09. On receipt of representations from other railways, the matter has been reviewed by full Board and it has been decided that retention of Railway accommodation at the previous place of posting in favour of officers/staff posted to all new zones, in a uniform manner, may be permitted up to 31.08.2009 (Thirty first August, two thousand and nine).

This issues with the concurrence of Finance Directorate of the Ministry of Railways.

Please acknowledge/receipt

*Copy of the  
General Manager*

*28 MAY 2009*

Date

To the

*A.G. 91101  
(MADAN LAL)  
J.T.D.R.E.S.T.(GENL.)  
RAILWAY BOARD*

No.E(G)2008 QR1-1

New Delhi, Dated: 22.05.2009

*Attested  
Abha Das  
Advocate*

5.11.09

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Annexure - 2 (v)

SDGM

CPD

✓  
Bhawal  
20/11

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
RAILWAY BOARD

No.E(G)2007 QR1-5

The General Managers,  
All Indian Railways and  
Production Units (others as per standard list).

entrance B.E. No. 189/09/nal  
कार्यपालिका वारालय  
New Delhi, Dated: 26.10.2009

21 JAN 2010

Guwahati Bench  
গুৱাহাটী ন্যায়পোত

Sub: Retention of Railway accommodation at the previous place of posting  
in favour of officers/staff posted to New Division. (Pune Division in  
Central Railway & Rangia Division in NF Railway).

Ref: Board's letter No:E(G) 2007 QR1-5 dated 30.08.07, 22.05.09 and  
No:E(G) 2008 QR1-1 dated 02.05.08 and 05.09.08.

As the Railways are aware, instructions have been issued from time to time for permitting railway staff posted to new zones to retain railway accommodation at the previous place of posting. As per letter dated 22.05.09 referred to above, railway staff posted to all New Zones have been permitted to retain railway accommodation at the previous place of posting up to 31.08.09. On receipt of representations from other railways, for permitting railway officers/staff posted to New Divisions to retain railway accommodation at the previous place of posting, the matter has been reviewed by full Board and it has been decided that retention of Railway accommodation at the previous place of posting in favour of officers/staff posted to Pune Division in Central Railway & Rangia Division in NF Railway, may be permitted post facto up to 31.08.2009 (Thirty first August, two thousand and nine).

This issues with the concurrence of Finance Directorate of the Ministry of Railways.

Office of the

General Manager

ट्रैक्टर

Please acknowledge receipt

6/11/09

4/11/09 (2)

(MADAN LAL)

JT. DIR. ESTT. (GENL.)

RAILWAY BOARD

Date  
26.10.2009  
Reference No:E(G)2007 QR1-5

New Delhi, Dated: 26.10.2009

Copy to Dy. Comptroller & Auditor General of India (Railways), Room No:224, Rail Bhawan,  
New Delhi.(with 46 spares).

FOR FINANCIAL COMMISSIONER/RAILWAYS.

Attested  
Debra Das  
Advocate

550