

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/605/2017

Date of order : 12.2.2018

Present: Hon'ble Ms. Manjula Das, Administrative Member

SUJIT KUMAR ADHIKARI

S/o Late Ajit Kumar Adhikari,
Working as Station Master,
Halisahar under Station Supdt,
Halisahar (HLR), Sealdah Divn.,
Eastern Railway,
R/o 56 Dhaniapara Anandapuri,
Barrackpore,
Dist. - 24 Parganas (N),
Kolkata - 700122.

...APPLICANT

VERSUS

1. Union of India, through
The General Manager,
Eastern Railway,
Fairlie Place,
Kolkata - 700001.
2. The Sr. Divisional Personnel Officer,
Sealdah Divn.,
Eastern Railway,
Sealdah,
Kolkata - 700014.
3. The Sr. Divisional Operations Manager,
Sealdah Divn.,
Eastern Rly.,
Sealdah,
Kolkata - 700014.
4. The Assistant Personnel Officer (T&C)
Sealdah Divn.,
Eastern Railway,
Sealdah,
Kolkata - 700014.

..RESPONDENTS.

For the applicant : Mr.K.Sarkar, counsel

For the respondents: Mr.M.K.Bandyopadhyay, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.K.Sarkar, ld. Counsel appears for the applicant and

Mr.M.K.Bandyopadhyay, ld. Counsel appears for the respondents.

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) to direct the respondents to cancel, withdraw and/or rescind the memo dated 4/7.4.2017 as contained in Annexure A/3 herein;
- b) to direct the respondents to accord post-facto approval of the purchase of the property by the applicant on 28.12.2015 in terms of his application for permission dated 28.11.2015 and the title deed thereof as contained in Annexure A/1 & A/2 herein respectively;
- c) to direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for effective adjudication of the issues involved herein;
- d) And to pass such further or other order or orders as to this Hon'ble Tribunal may deem fit and proper.

3. The brief fact of the case as narrated by Id. Counsel for the applicant is that the applicant who is posted as Station Master at Halisahar Railway Station under Sealdah Division of Eastern Railway, made a representation in proper format to the Divisional authorities seeking permission for purchase of an old house under Barrackpore Municipality at a cost of Rs.18,00,000/- on 28.11.2015. The probable date of acquisition of property was shown as 28.12.2015. The applicant purchased the property in question within the said target date. On 4/7.4.2017 respondent No.2 under the signature of the respondent No.4 issued a memo directing the applicant to let the concerned authorities know whether he has already acquired the property, for which he sought permission. Being aggrieved by the impugned memo, the applicant has approached this Tribunal vide the instant OA.

4. I have heard both the Id. Counsels, perused the pleadings and materials placed before me.

5. The arguments advanced by the Id. Counsel for the applicant that the applicant sought permission on 28.11.2015 and the purchase of immovable property was completed within 28.12.2015 i.e. within the time limit in terms of Rule 8 of CCS (Conduct) Rules, 1964, assuming that permission was deemed to have been granted to him by the authorities concerned when no communication in that respect was made to the applicant, and as such the purported impugned memo dated 4.4.2017 after a long period of purchase advising the applicant to comply with the queries made therein is not tenable

in the eyes of law or facts of the case and the impugned memo may be set aside and quashed.

It is further submitted by the Id. Counsel for the applicant that the respondent authorities concerned are duty bound to give post facto permission and/or approval for purchase of the property in question by the applicant in terms of the extant rules.

6. Despite granting several times to the respondent authorities to file their reply i.e. on 11.7.2017, 6.9.2017, 7.11.21017 and 10.1.23018, the respondents restrained themselves from filing the reply. However, Mr.M.K.Bandyopadhyay, Id. Counsel who appeared on behalf of the respondents submits that the impugned memo dated 4.4.2017 the authorities directed to comply with the further course of action which has not been done by the applicant. As such the matter is premature.

7. Having heard the Id. Counsels for both parties, I am of the view that if the respondent authorities sought some clarification from the applicant which ought to have been complied with as the letter dated 4.4.2017 which is impugned herein on the subject of permission of purchase of an old house was issued to the applicant, the said request be carried out by the applicant. Accordingly I direct the applicant to give a reply to the query made in the letter dated 4.4.2017 (Annexure A/3) issued by the respondent authorities, within a period of one month from the date of receipt of the copy of this order.

8. Accordingly the OA stands disposed of. No order as to costs.

(MANJULA DAS)
JUDICIAL MEMBER

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