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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 351/ 606 of 2018

IN THE MATTER OF:

Dr. R.K. HALDER, son of Late Aswini Halder,
aged about 57 years, residing at Government
Quarter No. L/9, Type-V, Link Road, Port Blair-
744101 and working to the post of Chief
Medical Officer (NFSG), at Community Health
Centre, Rangat, Middle Andaman under
Andaman and Nicobar Administration,
Directorate of Health Services.

...Applicant

-Versus-

1. UNION OF INDIA, service through the
Secretary, Ministry of Health & Family Welfare,
Government of India, 'A' Wing, Nirman
Bhawan, New Delhi- 110011.
2. THE CHIEF SECRETARY, Andaman &
Nicobar Administration, Secretariat, Port Blair-
744101;

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3. THE DIRECTOR OF HEALTH SERVICES,
Andaman & Nicobar Islands, Andaman &
Nicobar Administration, Secretariat, Port Blair-
744101.
4. THE MEDICAL SUPERINTENDENT, G.B.
Pant Hospital, Andaman & Nicobar
Administration, Port Blair- 744101.
5. THE ASSISTANT SECRETARY (H&E),
Andaman & Nicobar Administration,
Secretariat, Port Blair- 744101.
6. THE ASSISTANT DIRECTOR
(ADMINISTRATION), office of Directorate of
Health Services, Andaman & Nicobar
Administration, Port Blair- 744101.
7. THE EXECUTIVE ENGINEER, Port Blair, North
Division, Andaman Public Works Department,
Andaman & Nicobar Administration, Port Blair-
744101.

...Respondents

WLL

No. O.A. 350/00606/2018

Date of order: 7.5.2018

Present: Hon'ble Mr. A.K. Patnaik, Judicial Member

For the Applicant : Mr. P.C. Das, Counsel

For the Respondents : Mr. S.K. Ghosh, Counsel

ORDER (Oral)**A.K. Patnaik, Judicial Member:**

Mr. P.C. Das, Id. Counsel for the applicant is present. Mr. S.K. Ghosh, Id. Counsel for the official respondents submits that till date he has not received any instructions from the A&N Administration. However, on my request Mr. P.C. Das, Id. Counsel serves a copy of the O.A. on Mr. Ghosh.

2. This O.A. has been by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking the following reliefs.

"a) Restraining the respondent from giving any effect and/or further effect to the impugned show-cause notice dated 21st March, 2018 issued by the Assistant Secretary (H&E), Andaman & Nicobar Administration being Annexure A-1 of this original application in any manner whatsoever till the disposal of this original application.

b) Restraining the respondent from giving any effect and/or further effect to the impugned office letter dated 11.4.2018 issued by the Executive Engineer, Port Blair, North Division, Andaman & Nicobar Administration being Annexure A-2 of this original application in any manner whatsoever till the disposal of this original application.

c) Restraining the respondent from giving any effect and/or further effect to the impugned office letter dated 18th April, 2018 issued by the Assistant Director (Administration), Andaman & Nicobar Administration, Directorate of Health Services being Annexure A-3 of this original application in any manner whatsoever till the disposal of this original application."

3. The facts as stated by the applicant is that the applicant is a Dermatologist in Andaman & Nicobar Health Services Kendra. The Andaman & Nicobar administration has directed the applicant to penal rent bill amounting to Rs. 51,860/- for occupying Government Quarter No. L/9, Type-V, Link Road, Port Blair. The applicant states that as per provisions introduced by the Government of India is the husband and wife are working at the same station, they will be



provided with one government quarter. The applicant has been transferred from Port Blair to Community Health Centre, Rangat, Middle Andaman vide Office Order dated 14.3.2017. The applicant has retained the said quarter since his wife is also a government employee working under the Andaman & Nicobar Administration. But the administration cancelled the allotment order of such government quarter of the applicant and issued a show-cause notice on 21.3.2018 directing the applicant to vacate the quarter within a period of ten days. Thereafter the Executive Engineer, Port Blair, North Division, Andaman & Nicobar Administration issued a penal rent bill amounting to Rs. 51,860/- and directed him to pay the same immediately and to vacate the quarter. The applicant preferred a representation on 24.4.2018, which is still pending consideration.

4. Mr. Das, Ld. Counsel for the applicant submits that the applicant would be more or less satisfied if a direction is issued upon respondent No. 2, 3, 4 and 7 to consider and dispose of the representation of the applicant dated 24.4.2018 within a specific time frame.

5. Therefore, I dispose of this O.A. by directing the respondent No. 2, 3, 4 and 7 that if any such representation as claimed by the applicant has been preferred on 24.4.2018 and the same is still pending consideration, then the same may be considered and disposed of within a period of six weeks from the date of receipt of this order.

6. Though I have not entered into the merits of the case, still then I hope and trust that after such consideration, if the applicant's grievance is found to be genuine, then expeditious steps may be taken by the concerned respondent No. 2, 3, 4 and 7 within a further period of six weeks from the date of such consideration. However, if in the meantime, the said representation stated to have been preferred on 24.4.2018 has already been disposed of, then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

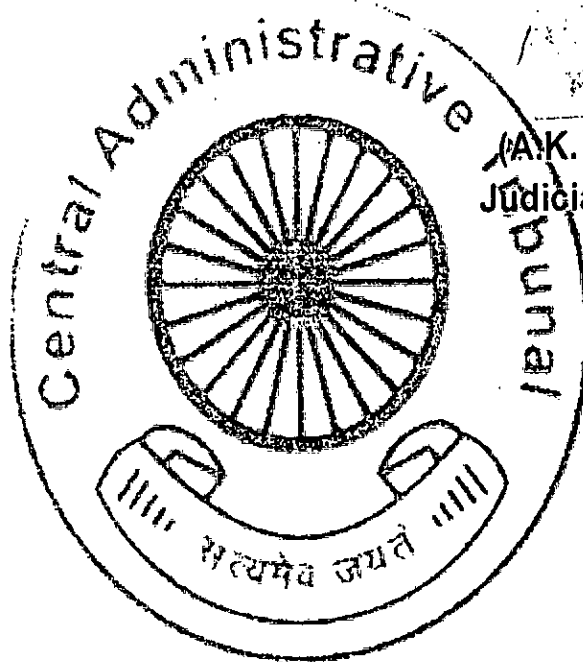


7. It is made clear that till the representation is considered and disposed of and the decision thereon is communicated to the applicant, no coercive action in terms of recovery of any damaged rent and eviction proceedings will be initiated by the official respondents for a further period of 15 days from the date of communication of the order.

8. With the aforesaid observation and direction, the O.A. is disposed of.

9. As prayed for by Mr. Das, Ld. Counsel for the applicant a copy of this order along with paper book be transmitted to the respondent No. 2, 3, 4 and 7 by speed post, for which Mr. Das undertakes to deposit necessary cost in the Registry by this week.

SP



(A.K. Patnaik)
Judicial Member