

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



O.A. NO. 350/01699/2017

Date : 16.01.2018

Coram : Hon'ble Ms. Manjula Das, Judicial Member

MANGALMAY KUILA,
Son of Shri Pravas Chandra Kuila,
Aged about 39 years,
Residing at Village – Dwariapur (Sandalpur),
Post Office and Police Station – Nandakumar,
District – Purba Medinipur,
Pin – 721632,
And working as Chargeman in the Metal &
Steel Factory, Ishapore,
Post Office – Ishapore Nawabganj,
District – North 24-Parganas,
Pin – 743144.

..... Applicant.

Versus

1. UNION OF INDIA
service through secretary,
Ministry of Defence
(Defence and Production),
Government of India, South Block,
New Delhi – 110001.
2. THE CHAIRMAN-CUM-DGOF,
Ordnance Factory Board,
Having his office at 10A,
Shaheed Khudiram Bose Road,
Kolkata – 700001.
3. THE GENERAL MANAGER,
Metal & Steel Factory, Ishapore,
Post Office – Ishapore-Nawabganj,
District – 24-Parganas (North),
Pin - 743144.
4. THE DIRECTOR OF ESTATES,
Government of India,
Ministry of Urban Development
Department, Nirman Bhawan,
New Delhi – 110011.

..... Respondents

For the applicant : Mr. P.C. Das, Counsel
 Ms. T. Maity, counsel

For the respondents : Mr. R. Halder, Counsel

ORDER

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 being aggrieved by the inaction and/or non-action of the respondent authority in withholding the House Rent Allowance of the present applicant from the date of his initial appointment.

2. In the O.A. the applicant has prayed for the following reliefs:-

"8.(a) To pass an appropriate order directing upon the respondent authority to release the House Rent Allowance in favour of the applicant with effect from the initial date of appointment i.e. 03.09.2015 to the post of Chargeman and to release the same along with all arrears and consequential benefits in the light of the decision made by this Hon'ble Tribunal in O.A. No. 1183 of 2010 dated 18.11.2010 along with decision of the Hon'ble High Court at Calcutta in W.P.C.T. No. 111 of 2011 dated 17.05.2011 and ultimately upheld by the Hon'ble Supreme Court in Special Leave Petition being SLP (Civil) No. 26234 of 2011 vide order dated 29.06.2011 as well as in the light of the recent order passed by this Hon'ble Tribunal dated 14.08.2013 in O.A. No. 875 of 2012 and upheld by the Hon'ble High Court at Calcutta in W.P.C.T. No. 472 of 2013 (Union of India & Ors. -Vs- Bikash Ghosh & Ors.).

- (b) Costs and incidental of this original application;
- (c) Any further or other order or orders as Your Honour may seem fit and proper;"

3. Brief facts of the case as narrated by the applicant are that the applicant was initially appointed to the post of Chargeman in the Metal and Steel Factory vide office order dated 03.09.2015 and after receipt of appointment order, he made representations to the General Manager, Metal and Steel Factory, Ishapore(Respondent No.3) on 08.10.2015 and 29.11.2017(Annexure A/3 to the O.A.) to disburse the House Rent Allowance in his favour as he was not residing in



any Government quarter. The respondents did no pay any heed to such representations and did not pay him House Rent Allowance till today on the ground that so many Government quarters are lying vacant, the applicant should take a government quarter. Finding no other alternative, the applicant has approached this Tribunal seeking the aforesaid reliefs.

4. Heard Mr. P.C. Das leading Ms. T. Maity Id. counsel for the applicant and Mr. R. Halder, Id. counsel for the official respondents. I have also perused the pleadings and materials placed before me.

5. Mr. P.C. Das , Id. counsel for the applicant submits that the department cannot force an employee to take a government quarter even if government quarters are lying vacant in the premises of the factory. He has also drawn my attention to an order passed by this Tribunal in O.A.No.1183/2010 dated 18.11.2010 which was upheld by the Hon'ble High Court at Calcutta on 17.08.2011 in WPCT.No.111 of 2011 and ultimately affirmed by the Hon'ble Supreme Court vide order dated 29.06.2011 in Special Leave Petition being SLP(Civil)No.26234 of 2011. He has further drawn my attention to another order dated 14.08.2013 passed by this Tribunal in O.A.No.875 of 2012(with other OAs) which was subsequently upheld by the Hon'ble High Court at Calcutta in WPCT No.472/2013 vide order dated 18.07.2014. Referring to the said judgments, Id. counsel for the applicant submits that the case of the present applicant is identical to the applicants of the aforementioned cases, therefore, prayer of the applicant in this O.A. may be considered in view of the judgments of this Tribunal, Hon'ble High Court and the Hon'ble Supreme Court as cited above.

6. Considering the submissions made by Id. counsel for the applicant and the respondents, I am of the view that it would not be prejudicial to either of the parties if a direction is given to the respondent authorities to examine the case of the applicant in the light of the order passed by this Tribunal in O.A.No.1183/2010 dated 18.11.2010 which was upheld by the Hon'ble High Court at Calcutta on 17.08.2011 in WPCT.No.111 of 2011 and affirmed by the Hon'ble Supreme Court vide order dated 29.06.2011 in Special Leave Petition being SLP(Civil)No.26234 of 2011 and the order dated 14.08.2013 passed by this Tribunal in O.A.No.875 of 2012 (with other O.As) upheld by the Hon'ble High Court at Calcutta in WPCT No.472/2013 vide order dated 18.07.2014 and to dispose of the applicant's representation in accordance with rule within a time frame.

7. Accordingly the Respondent No.3 i.e. the General Manager, Metal & Steel Factory, Ishapore is directed to consider and dispose of the representations of the applicant dated 08.10.2016 and 29.11.2017(Annexure A/3 to the O.A.) in the light of the orders passed by this Tribunal, Hon'ble High Court at Calcutta and Hon'ble Supreme Court as mentioned in the preceding paragraph and pass a reasoned and speaking order as per rules within a period of three months from the date of receipt of a copy of this order. The decision so arrived shall be communicated to the applicant forthwith. If the present applicant is found similarly situated with the applicants in the aforesaid cases, similar benefit to be extended as per law.

(MANJULA DAS)
Judicial Member

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