

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

[Circuit Court at Ranchi]

O.A./051/00650/2018

Date of order : 09th August, 2018

C O R A M

Hon'ble K.N. Shrivastava, Member (Admn.)
Hon'ble Mr. Jayesh V. Bhairavia, Member [Judicial]

Jagannath Das, Son of Late Anil Kumar Das, aged about 51 years, resident of Village Marrah, P.O. Rangamati, P.S. Chandankiyari, District Bokaro, at present residing at Village Upper Kandra, P.O. Moti Nagar, P.S. Sindri, District – Dhanbad.

..... Applicant.

By Advocate : Shri S. Singh.

Vrs.

1. Steel Authority of India Limited, Deputy General Manager (Personnel & Administrative), Chasnalla Coal Complex, P.O. Chasnalla, P.S. chasnalla, District Dhanbad – 826001.
2. Assistant General Manager (Civil & Town), Chasnalla Colliery, P.O. Chasnalla, P.S. Chasnalla, District Dhanbad – 826001.
3. Deputy General Manager (Estate), Chasnalla Colliery, P.O. Chasnalla, P.S. Chasnalla, District – Dhanbad – 826001.
4. Senior Deputy Director (Medical), Steel Authority of India Limited, Chasnalla Colliery, P.O. Chasnalla, P.S. Chasnalla, District – Dhanbad – 826001.
5. Deputy Manager (Finance), Chasnalla Colliery, P.O. Chasnalla, P.S. Chasnalla, District – Dhanbad – 826001.

..... Respondents.

By Advocate : Shri V.K. Dubey.

ORDER
[O R A L]

Per Mr. K.N.Shrivastava, Member (A):- The applicant was appointed on compassionate ground as a Mazdoor on 25.11.1985 under Indian Iron & Steel Co. Ltd. (ISSC) – subsidiary of SAIL at their Chasnala Colliery. He was allotted an official residential quarter by the company. Vide

Annexure – A/3 order dated 18.09.2012, the allotment of residential accommodation was cancelled. The applicant in the meanwhile secured his promotion to the grade of Pharmacist.

2. The applicant, vide his Annexure – A/4 letter dated 13.09.2017 addressed to DGM (Estate) requested for fresh allotment of a residential accommodation by the company. This request of the applicant was duly endorsed by the DGM (Estate) as under:-

“Sri Jagannath Das is working at Chasnala Dispensary Pharmacy. He requires to do emergency duties in shift. In any exigency situation, sometimes he was to attend Dispensary urgently.

In view of above, he may be considered for a quarter nearer to the Dispensary.”

3. The applicant also applied for allotment of quarter in the prescribed format (Annexure – A/5).

4. It is stated that the applicant has been staying in a rented accommodation after his earlier residential accommodation allotment was cancelled vide order dated 18.08.2012.

5. The respondents, however, have taken a view that the applicant never vacated the accommodation allotted to him earlier and that he has been illegally drawing the HRA, even though he has been residing in the quarter allotted to him by the company. Accordingly, after issuing a show cause notice to him dated 30.01.2018 (Annexure – A/6), they have passed the order dated 21.05.2018 ordering stoppage of payment of HRA to him as well for deduction of Rs.3,91,590/- illegally drawn by the applicant towards HRA for the period 18.08.2012 to

31.01.2018. The recovery has been ordered @ Rs.10877 per month from his salary (Annexure – A/8).

6. Aggrieved by the Annexure – A/8 of the order of the respondents, the applicant has approached this Tribunal in the instant O.A. praying for the following reliefs:-

- “(i) For issuing show cause to the respondents as to how and under what authority, the deduction of House Rent Allowance of Rs.10,877.50 per month is being made from the salary of the applicant.*
- (ii) Upon showing no cause or insufficient cause, further be pleased to direct the respondents to forthwith stop deducting Rs.10,877.50 per month of House Rent Allowance from the salary of the applicant.*
- (iii) For directing the respondents to make the payment of deductions being made by them, since February, 2018 till date.*
- (iv) For quashing of memo contained in Ref. No. CH/ACS/27 dated 21.05.2018 issued by Deputy Manager (Finance) Accounts, Chasnalla.”*

7. Heard the learned counsel for the parties today. We find that the Annexure – A/8 order dated 21.05.2018 is not at all a speaking order. We also notice that the applicant has submitted a detailed representation to the respondents on 22.03.2018 (Annexure – A/7) pursuant to the Annexure – A/6 notice dated 30.01.2018 issued to him by the respondents. In his representation, the applicant has explained his position in great details. The representation of the applicant has not been

disposed of by the respondents.

8. In view of the above, taking into consideration given the nature of controversy involved, we dispose of this O.A. with following directions to the respondents:-

[a] The respondents shall consider the Annexure – A/7 representation dated 22.03.2018 of the applicant and decide it by passing a reasoned and speaking order within a period of 8 weeks from the date of receipt of a copy of this order. Till the disposal of the representation of the applicant, no recovery shall be made from the salary of the applicant.

[b] The applicant shall have liberty to take recourse to appropriate remedy, as available to him under law, in case, he remains dissatisfied with the order to be passed by the respondents deciding his representation.

9. No order as to costs.

[J.V. Bhairavia]
Member (J)

sk/s/-

[K.N. Shrivastava]
Member (A)