



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/01068/2019

Date of order: 28.8.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Subhra Jyoti Choudhury,
Son of Sri Satindra Lal Choudhury,
Aged about 58 years 10 months,
Working for gain as
Field Officer (Tele),
Special Bureau,
Government of India,
Hathikanda,
Haringhata, Nadia,
West Bengal,
Residing at Flat No. 3B,
At "Gitanjali Apartment",
3rd Floor, Back Portion of AF 217/1,
Rabindra Pally, Krishnapur,
Kolkata - 700 101 and
Permanent residing at
AD-24, Flat - 5,
Sector - I,
Salt Lake,
Kolkata - 700 064.

... Applicant

- V E R S U S -

1. Union of India,
Through the Secretary (R),
Cabinet Secretariat,
Govt. of India,
Room No. 7,
Bikaner House (Annexe),
Shahjahan Road,
New Delhi - 110 011.
2. The Additional Secretary (Administration),
Cabinet Secretariat,
Head Quarter,
New Delhi - 110 011.
3. The Under Secretary (Admn: A),

Government of India,
Cabinet Secretariat,
New Delhi – 110 011.

4. The Additional Commissioner (Tele),
Special Bureau,
Hathikanda,
District : Nadia,
Pin – 741246.
5. Commissioner (EZ),
Special Bureau,
Govt. of India,
316, Shanti Pally,
East Kolkata Township Project,
Kolkata – 700 039.
6. The Additional Commissioner,
Special Bureau,
Govt. of India,
316, Shanti Pally,
East Kolkata Township Project,
Kolkata – 700 039.
7. The Assistant Commissioner (Tele)/
Administration,
Special Bureau,
Hathikanda,
District – Nadia,
Pin – 741 246.

... Respondents

For the Applicant : Mr. B. Chatterjee, Counsel

For the Respondents : Mr. R. Halder, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

This Original Application has been filed under Section 19 of the
Administrative Tribunals Act, 1985 praying for the following relief:-

“(a) An order directing the respondent authorities to quash and set aside the
File No. 22011/2/2017-Pol.III(Pt.) dated 17.5.2018 issued by Deputy Director of
Estates (Policy), Ministry of Housing & Urban Affairs, Directorate of Estates,
Government of India.

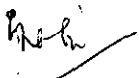
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- (b) An order directing the respondent authorities to quash and set aside the Office Memorandum dated 12.10.2018 being No. 14/2/2018-Admn.I-5853 issued by Under Secretary (Admn.), Government of India, Cabinet Secretariat.
- (c) An order directing the respondent authorities to quash and set aside the Memorandum dated 13.3.2018 and thereby directing the applicant to immediately accept possession of the Government Quarter at Special Bureau, Hathikanda.
- (d) An Order holding that the actions on the part of the respondent authorities forcing the applicant to accept the allotted Government Accommodation/Quarter as well as making allotment unilaterally and stoppage of House Rent Allowance due to non-acceptance of allotted Quarter are bad in law, arbitrary and violation of rights guaranteed under Article 14 of the Constitution of India.
- (e) An Order directing the respondent authorities to grant and release the House Rent Allowance from the date it has been stopped along with Arrear with interest and all consequential benefits thereto.
- (f) An Order directing the respondent authorities to consider the representations of the applicant dated 19.3.2018, 14.8.2018 and 05.03.2019 in view of the settled position of law as mandated by the Hon'ble Apex Court of India as well as Hon'ble High Courts and this Hon'ble Tribunal.
- (g) An order directing the official respondents to produce/cause production of all records relating to the subject matter of the case;
- (h) Any other order or orders as this Tribunal may deem fit and proper."

2. Heard both Ld. Counsel, examined documents on record. The matter is taken up at the admission stage.

3. The submissions of the applicant is that he was initially appointed to the post of Assistant Field Officer, promoted as Deputy Field Officer (Tele), subsequently promoted as Field Officer (Tele) and posted at Hathikunda in the District of Nadia, West Bengal. The applicant, after joining his transferred place of posting at Hathikunda, applied for Government accommodation, which could not be allotted since there was no vacant official accommodation as per his entitlement. Although the applicant purchased a house property with prior permission, the applicant was allotted an unsuitable government accommodation and HRA was not released to him. His representations to this effect remain unanswered.

That, a similarly circumstanced employee had approached the Central Administrative Tribunal, Kolkata Bench in O.A. No. 1800 of 2017 praying for similar relief and the Tribunal had disposed of the same on 14.11.2018 directing the respondent authorities to dispose of the applicant's representation seeking payment against HRA in the light of



judgment in WPCT. No. 111 of 2011, as affirmed by the Hon'ble Apex Court. That, thereafter, the respondent authorities had issued a memo dated 17.6.2019 in which the applicant in O.A. No. 1800 of 2017 was allowed payment of HRA from the date of his eligibility with a direction to release HRA to the applicant.

4. The applicant has now approached the Tribunal seeking benefit of the said judicial orders. Ld. Counsel for the applicant would further submit that the applicant would be fairly satisfied if the respondent authorities are directed to dispose of the applicant's representation pending since 5.3.2019 (Annexure A-6 to the O.A.) in a time bound manner.

5. Ld. Counsel for the respondents does not object to disposal of such representation in accordance with law.

6. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we would direct the respondent No. 2, who is the Additional Secretary (Administration), Cabinet Secretariat, Head Quarter, New Delhi, to examine the contents of such representation and decide in accordance with law. The said respondent authority will analyse as to whether the applicant is similarly circumstanced as the applicant in O.A. No. 1800 of 2017 and decide on the applicability of the ratio cited in support. The concerned authority, having decided in accordance with law, will thereafter convey his decision in the form of a speaking and reasoned order to the applicant.

The entire exercise shall be completed within 12 weeks of receipt of a copy of this order.

7. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member
SP

(Bidisha Banerjee)
Judicial Member