

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA

LIBRARY

OA. 350/00388/2016

Date of Order: 25.04.2016.

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

Bijoy Kumar Mallick  
Vs.  
Union of India & Ors. (Estate Manager)

For the Applicant : Mr. A. Guha

For the Respondents : Mr. P. Mukherjee, Counsel

ORDER

Per Ms. Bidisha Banerjee, JM:-

This matter is taken up in Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. Heard learned counsel for the parties.
3. The case of the applicant in a nutshell is as under:

Applicant while holding the post of Assistant Commissioner since 1991 was promoted as Deputy Commissioner in the year 1998, and thereafter promoted as Joint Commissioner and Additional Commissioner in the year 2003 and 2004 respectively. Thereafter, the applicant was promoted to the post of Commissioner in the year 2012 and the applicant discharged duties in several Commissionerates. He was allotted an official accommodation of Type -VI, at Dover Lane. Applicant was transferred from settlement commissions to the Durgapur Commissionerate on 21.08.2015 alongwith additional charge of Commissionerate to Kolkata -IV Commissionerate on 09.10.2015. After transfer to Durgapur he submitted a representation on 28.10.2015 praying for retention of Government quarter at Dover Lane, Kolkata. After receiving such representation the respondent authority by a letter dated 15.12.2015 cancelled the allotment of quarter. The applicant submitted several representations before the appropriate authority for retention of quarter or allotment of a new quarter in Kolkata but it yielded no fruitful result. On 11.02.2016 the respondent authority issued a certificate of "no residential accommodation" at Durgapur commissionerate in the following words:

"TO WHOM MAY IT CONCERN

*This is to certify that no residential accommodation facility for Commissioner/Additional Commissioner/Joint Commissioner/Assistant Commissioner is available under the newly created Durgapur, Customs, Central Excise & Service Tax Commissionerate as such accommodations have not been constructed so far in Durgapur."*

4. Since the applicant is holding the post of Commissioner at Durgapur and also entrusted with additional charge of Kolkata-IV Commissionerate and as there was no official accommodation for the Commissioners at Durgapur, the applicant prayed for retention of the Government quarter at Dover Lane or alternatively a new quarter in Shantipally, Kasba out of the departmental pool. The respondent authorities have neither considered the prayer nor disposed of the same. Hence he preferred this application, for the following reliefs:

"8(a) An order quashing and setting aside the order dated 15.12.2015 which is annexure 'A-3' to this application and also direct the concerned respondent authority to allow your applicant to retain the said official accommodation being type -VI, quarter No. 17 at 16 Dover Lane, Kolkata at the normal license fees or alternatively direct the concerned respondent authority to allot a type-VI quarter in any place of Kolkata which is lying vacant at the rate of normal license fees.

(b) Any further order or orders as Your Lordships may deem fit and proper."

5. Since the prayer of the applicant for retention of quarter at Kolkata for allotment of new quarter at Shantipally, Kasba, as sought for by way of representation dated 13.01.2016, is yet to be disposed of and the respondents have already certified on 11.02.2016 about the non-availability of residential accommodation facility for Commissioners under the newly created Durgapur, Customs Central Excise & Service Tax Commissionerate, as would be evident from Annexure A-7 of the OA, the OA is disposed of with a direction upon the respondent authorities to consider the case of the applicant sympathetically and pass an appropriate order in accordance with law, within a period of 2 months from the date of communication of this order.

6. Till such time the applicant is still in occupation of quarter at Dover Lane, would not be evicted therefrom. No costs.

(Bidisha Banerjee)  
Member (J)