

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – OA 858 OF 2019

Prosenjit Das Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
02 15.11.2019	<p>For the Applicant : Mr. A. Lahiri, Mr. S.K. Mondal, Learned Advocates.</p> <p>For the Respondent : Mr. S.N. Ray, Learned Advocate.</p> <p>The original application is admitted for hearing. The respondents are directed to file reply within a period of four weeks and rejoinder, if any, may be filed by the applicant within a period of two weeks thereafter.</p> <p>The contention of the applicant is that he was allotted quarters in the 2nd Floor of MSVP Office of Calcutta National Medical College & Hospital as Facility Manager and that he was asked to vacate the said quarters by notice dated June 7, 2019 issued by the respondent no. 5 within a period of 3 (three) months from the date of receiving the notice though the respondent no. 5 has mentioned in the notice that the applicant will be allotted alternative quarters provided he is willing to occupy the same. The further contention of the applicant is that he has expressed his willingness before the respondent no. 5 for occupying alternative quarters, if any, allotted to him by the respondent no. 5 within his jurisdiction. The applicant has prayed for an interim order for protection from eviction of the allotted quarters without providing alternative quarters to the</p>	

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applicant as mentioned in the notice by the respondent no. 5.

On our query, we are informed that the applicant has not yet been evicted from the quarters situated in the 2nd Floor of MSVP Office of Calcutta National Medical College & Hospital in spite of expiry of notice period. We have also been informed that alternative quarters has not yet been allotted in favour of the applicant by the respondent no. 5 as mentioned in the notice dated June 7, 2019.

Having heard Learned Counsel representing both parties, we are of the view that the applicant should not be evicted from the quarters situated in the 2nd Floor of MSVP Office of Calcutta National Medical College & Hospital without giving allotment of alternative quarters by the respondents. Accordingly, the respondents are restrained by an interim order from evicting the applicant from the quarters in the 2nd Floor of MSVP Office of Calcutta National Medical College & Hospital without giving allotment of alternative quarters to the applicant.

List the matter under the heading “**Reply/Rejoinder**” on **15.01.2020**.

Let a plain copy of this order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib