

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &  
The Hon'ble P. Ramesh Kumar, Member (A).

OA-505 of 2019

Dr. Nikhil Kumar Ghorai

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
<p style="text-align: center;"><u>05</u> 17.01.2020</p>	<p>For the petitioner : Mr. R.N. Bag, Learned Advocate.</p> <p>For the respondent : Mr. G.P. Banerjee, Mr. S. Ghosh, Learned Advocates.</p> <p style="text-align: center;">The instant application has been filed mainly challenging the impugned notices dated 18.09.2018 &amp; 12.06.2019 (Annexure17 &amp; 18 ), whereby the applicant was directed to vacate the government quarter within 15 days. As per the applicant, due to some unwanted incidences, he was show caused with an allegation of misusing the quarter, which was allotted to him, however, till date neither any charge sheet has been issued nor he has been terminated or transferred from the place. Even no departmental proceeding has been initiated against him till date. Further, without resorting to any legal action for eviction of quarter, the respondents straightway directed him to evict the quarter within 15 days. Being aggrieved with he has filed this instant application.</p>	

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<p style="text-align: center;">05 17.01.2020</p> <p>Page /2</p>	<p>During the course of hearing, the counsel for the respondents has submitted that one show cause notice was issued against him alleging misusing of government quarter and one preliminary enquiry report has already been submitted, further, they have admitted that no departmental proceeding or any proceedings for eviction of quarter has been initiated.</p> <p>In view of the above, it is observed that in the instant case, only issue involved is with regard to the maintainability of eviction notice, which is, as under :-</p> <p style="text-align: center;"><b><i>“Intimation to vacate govt. quarter. As per instruction from higher authority you are directed to vacate Govt. quarter when you are now residing within 15 (fifteen) days of issue of this letter and handover the key to the undersigned. Please treat it as urgent.”</i></b></p> <p>From the perusal of the notice, it is noted that Superintendent of District Hospital, Darjeeling has simply</p>	

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<p style="text-align: center;">05</p> <hr/> <p>17.01.2020</p> <p style="text-align: center;">SC</p>	<p>directed the employee concerned to vacate the government quarter.</p> <p style="text-align: center;">It is noted that if there is any serious allegation of misutilization of government quarter against the employee, the employer has every right to take action for eviction but that should be in accordance with rules or laws applicable for such eviction.</p> <p style="text-align: center;">In the instant case, admittedly no such legal procedure has been followed against the applicant for misutilization of the government quarter but he has been directly asked to vacate the quarter. Therefore, we have no alternative to quash the eviction order dated 18.09.2018 &amp; 12.06.2019 as the said orders have been issued without following any legal provisions or rules of eviction. Accordingly, the OA is disposed of. However, respondents are at liberty to take appropriate action in accordance with the rules.</p> <p style="text-align: center;"><b>P. RAMESH KUMAR</b> <b>MEMBER (A)</b></p> <p style="text-align: center;"><b>URMITA DATTA (SEN)</b> <b>MEMBER (J)</b></p>	

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