

Item No.66
06.01.2026
Court. No. 2
(gc)

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 2504 of 2025

Sri Dilip Dey
VS
The Union of India & Ors.

Mr. Kalipada Das

...for the Petitioner.

Mr. Sudipto Kumar Mazumdar, Ld. DSGI,

Mr. Ajoy Kumar Singhania

...for the Railway Authority.

1. The issues raised by the petitioner cannot be decided in this case as disputed questions of facts are involved. The petitioner is aggrieved by the calculation arrived at by the authority while deducting the rent payable by him from his gratuity amount. It is an admitted position that the petitioner overstayed in the official quarters for 17 months. The petitioner relies on a calculation made by the Divisional Security Commissioner, N.F. Railway, Alipurduar Junction, which shows that Rs.62183/- was payable towards arrear of damage rent.
2. The learned DSGI submits that under the Government of India, Ministry of Railways, Railway Services (Pension) Rules, 1993, disputes with regard to the recovery of damages or rent

from the ex-employee shall be subject to the adjudication of the concerned estate officer appointed under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. The provision is quoted below:-

“8(e). Dispute, if any, regarding recovery of damages or rent from the ex-railway employee shall be subject to adjudication by the concerned Estate Officer appointed under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971).

3. Under such circumstances, the writ petition is disposed of by permitting the petitioner to approach the estate officer, who is the Senior Divisional Manager (Personnel), North East Frontier Railway, Alipurduar Junction, with his grievance and the said authority will decide the matter in accordance with law upon giving an opportunity of hearing to the petitioner and to any other officer interested in this regard including the officer who had deducted the amount. Let such issue be decided by passing a reasoned order which shall be communicated to the petitioner within a period of 8 weeks from the date of receipt of the petitioner's application.
4. Accordingly, the writ petition is disposed of.
5. However, there shall be no order as to costs.

6. The parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)