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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A. No.817 of 1999 decided on 14.5.1999

Name of Applicant : Mrs. R. Samual

By Advocate : Shri Rajeev Sharma.

Versus


Name of respondent/s Union of India & others

By Advocate : Shri P.S.Mahendru & Shri R.L.Dhawan

Corum:

Hon'ble Mr. N. Sahu, Member (Admnv)

1. To be referred to the reporter - Yes
2. Whether to be circulated to the other Benches of the Tribunal. -No


(N. Sahu)
Member (Admnv)

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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.817 of 1999

New Delhi, this the 14th day of May, 1999

Hon'ble Mr. N. Sahu, Member(Admnv)

Mrs. R. Samual, Matron Grade-II,
Northern Railway Central Hospital, New
Delhi, Residence of Quarter
No.207/D-2, Panchakuian Road, New
Delhi

- APPLICANT

(By Advocate Shri Rajeev Sharma)

Versus

1. Union of India through the General
Manager Northern Railway, Baroda
House, New Delhi.

2. The Chief Medical Director, Northern
Railway, Central Hospital, New
Delhi.

3. Housing Committee Through its
Chairman, Central Hospital Northern
Railway, New Delhi.

4. D.S.E.(ESTATE), D.R.M.Office,
Northern Railway, New Delhi.

- RESPONDENTS

(By Advocate S/Shri P.S.Mahendru &
R.L.Dhawan)

O R D E R

By Mr. N.Sahu, Member(Admnv)

The applicant impugns the finding of the
Housing Committee (Annexure-A-1), Para 12 which reads
as under -

"Quarter No.141/A, Basant Lane, was vacated
by Ms. S.Gandotra, ex. Matron and is
allotted to Ms. C.K.Ghai, Chief Matron,
Central Hospital. Sh.S.P.Singh, Member/URMU
has objection that this allotment claiming
Ms.Rani Samuel should be allotted this house
from top floor to ground floor which was
already discussed is not acceptable being a
request for specific quarter. Also Ms.
Rani Samuael applied from 13.12.89 while
Ms.C.K.Ghai applied on 29.9.86 for type-II
to type-III."

[Signature]

2. There was an interim order on 12.4.1999 directing the respondents to consider the applicant for any ground floor accommodation in the nearby locality and till the next date of hearing the allotment of existing ground floor accommodation no.141/A, Basant Lane, Paharganj was directed to be kept in abeyance.

3. The applicant is a Matron Grade-II in Northern Railway Central Hospital, New Delhi and reside in Type-III Quarter No.207/D-2, 4th floor, Panchakuian Road, New Delhi. In her application in 1989 she submitted that she has been suffering from eye disease and pituitary tumor. She claimed to have undergone treatment of a Consultant Neuro Surgeon at Central Hospital, New Delhi. She requested the Housing Committee for a ground floor quarter on medical grounds. However, in her request at Annexure-A-3 she wanted a specific quarter No.A-141. This request was refused on the ground that the allottee of that quarter was one Ms. C.K. Ghai who applied for the same much earlier in 1986. On the other ground that no applicant can apply for a particular quarter, her claim was rejected.

4. The learned counsel for the applicant referred to the order dated 31.8.1998 (Annexure-A-9) which clarifies priority for allotment of vacant accommodation. It spells out as priority no.1 - change of type-III accommodation from higher floor to Type-III lower floor. The next priority is only for a better type of quarter from Type-III to Type-III.

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5. I have carefully considered the submissions made by the rival counsel. This Tribunal cannot sit as an appellate court over the decision of the Housing Committee consisting of six members. It is true the applicant wanted a specific quarter in the ground floor. That was refused, and in my view rightly refused. At the same time the respondents should not be hyper-technical in ignoring the applicant's claim. A massive medical evidence enclosed to the OA has not been controverted. It shows that she has persistent medical problems and on that count she wants a ground floor accommodation. This is a genuine and reasonable request and the rules permit consideration of such a request.

6. Shri Dhawan, learned counsel for the respondents stated that the applicant will lose the priority date of 1989. This is impermissible. The applicant mentioned a particular quarter because that quarter according to her perception fell vacant. The Committee should have immediately asked her whether she had any objection for consideration of any other ground floor accommodation. This is a case of request for a change on a genuine medical ground.

7. Under the circumstances, I direct that the applicant shall make a fresh request along with all the medical evidence to the Housing Allotment Committee within a period of three weeks from the date of receipt of a copy of this order and her request shall be considered as though it was made in

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1989 and on that reckoning she shall be considered by the Housing Committee about her eligibility for a ground floor accommodation in accordance with the prescribed rules on the subject within a period of four weeks from the receipt of her request. The interim orders are vacated with the disposal of the O.A. The OA is disposed of as above. No costs.

N. Sahu
(N. Sahu) 14.5.99
Member(Admnv)

rkv.