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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

...

O.A. No.1418 of 1995

Dated New Delhi, this 14th day of December, 1995

Hon'ble Shri K. Muthukumar, Member(A)

1. Ivan Franklin  
S/o of Mr Irwin Little  
R/o 231/30, Basant Lane  
NEW DELHI.

2. Mrs P. V. Little  
Wife of Shri Irwin Little  
R/o 231/30, Basant Lane  
NEW DELHI.

By Advocate: Shri Anis Suhrawardy  
Versus

... Applicants

1. Union of India, through  
General Manager  
Northern Railway  
Baroda House  
NEW DELHI.

2. The Chief Personnel Officer  
Northern Railway  
Baroda House  
NEW DELHI.

3. The Assistant Personnel Officer  
Northern Railway  
Baroda House  
NEW DELHI.

4. Chief Hospital Superintendent  
Northern Railway Central Hospital  
Basant Lane  
NEW DELHI.

5. Divisional Superintendent Engineer/Estate  
Northern Railway  
Chelmsford Road  
NEW DELHI.

By Advocate: Shri K. K. Patel

... Respondents

O R D E R (Oral)  
Shri K. Muthukumar, M(A)

In this case, pleadings are complete. The matter is taken up for disposal at the admission stage with the consent of the parties.

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The grievance of the applicants is that by a direction of the Tribunal in the OA.56/64 which was delivered on 8th September, 1994, the respondents were directed to consider the case of the applicant for out of turn allotment of the type of quarter to which he is eligible. The applicants are aggrieved that the respondents are trying to give an alternative accommodation to them which is of very lower type and in the meanwhile, they have also attempted to evict them from the quarter which they are occupying now. The eviction order was disposed of by the Railway Special Magistrate with direction to the respondents for allotment of suitable quarter. In this application, the applicants have impugned letter dated 28.10.94 of the respondents directing them to supply some documents/information in order to consider the regularisation of the Railway quarter No.231/30 in favour of the applicants and have prayed that this letter should be quashed.

The learned counsel for the applicants, however, states at the Bar that he is not interested in pressing this prayer. But he seeks a direction to the respondents to allot a suitable quarter to the Applicant No.1.

\\ The question of allotment of suitable quarter, prima facie, is still under consideration of the respondents and the applicants have no cause of action to come to the

to the Tribunal at this stage. This application has been filed by both the applicant and his mother. It is clear that the applicants have no cause of action to be redressed by this Tribunal.

MA.2565/95 has been filed by the respondents seeking a direction of this Tribunal to vacate the said quarter occupied by the applicants. in the respondents' reply to the OA, they have averred that the applicants had not been allotted Type-I Railway quarter by order dated 5.7.95. Since the applicants had not accepted this allotment and occupied the said quarter, <sup>respondents</sup> / have moved the aforesaid MA for a direction to vacate the quarter being occupied by them. The allotment of Type-I quarter has not been challenged in the OA. The learned counsel for the applicants, therefore, states that he may be permitted to withdraw this application with liberty to the applicants to file a fresh application if future cause of action arises.

In view of the above, no order needs to be passed on the MA. It is open to the respondents to take such action as they deem proper.

The application is, therefore, dismissed as withdrawn with liberty to the applicants to file fresh application if they are aggrieved by any future cause of action. There will be no order as to costs.

  
(K. Muthukumar)  
Member(A)

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