

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A. No. 2496/94 New Delhi, dated the 5th May, 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

Shri T.N. Tiwari,
S/o Shri R.K. Tiwari,
R/o 16-D, Railway Colony,
Tughlakabad,
New Delhi.

(Shri S.K. Sawhney, Advocate) APPLICANT

VERSUS

1. Union of India through the
General Manager, Northern Railway,
Baroda House, New Delhi.
2. The Divisional Supdtg. Engineer (Estate),
Northern Railway, D.R.M. Office, New Delhi
3. The Divisional Engineer,
Chairman,
Area Allotment Committee,
Northern Railway,
Tughlakabad, New Delhi.
4. The General Foreman (Diesel),
Diesel Shed, Northern Railway,
Tughlakabad, New Delhi.

(Shri K.K. Patel, Advocate) RESPONDENTS

JUDGEMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application the applicant Shri T.N. Tiwari seeks regularisation of Railway Qr. No. 16-D, Tughlakabad, or allotment of any other Railway quarter as he claims to be the senior most non-essential staff waiting for allotment, and for his inclusion in the seniority list of non-essential staff.

2. In so far as the prayer for regularisation of Railway Qr. No. 16-D, Tughlakabad is concerned, I find that in O.A. 1786/93 the applicant had impugned the letter ^{in asking} ~~order~~ him to vacate the said quarter and by judgement dated 12.1.94 in that O.A. the Tribunal had found "that the applicant had not made out a case at all and he has no claim to continue in the said quarters".

/s/

In view of this categorical finding, which I as a coordinate Branch am bound to follow, this prayer for regularisation is summarily rejected.

3. In so far as the second prayer is concerned, it is clear that the respondents in compliance of the direction dated 22.9.94 of the Tribunal in CP No. 134/94 in O.A. 1786/94 while disposing the applicant's representation by means of a speaking and reasoned order dated 23.11.94 have held that the applicant will be allotted a quarter as per his seniority and entitlement, in his turn. This assertion is fully in accordance with law, and calls for no interference.

4. In so far as the question of including the applicant in the seniority list of non-essential staff is concerned, no materials have been produced by him to satisfy me that he belongs to that category of staff. On the other hand the applicant has himself stated in his O.A. under the heading "Brief Facts" that he was working as Electrical Fitter Diesel Shed, TKD, and the respondents have averred that in that capacity he falls under Essential Staff. I have no reason to doubt this averment and hence this prayer fails.

5. In the result this matter requires no interference. The O.A. fails and is dismissed. No costs.

GK

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(S.R. ADIGE)
Member (A)