

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.712 of 2000

New Delhi, this the 10th day of July, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Brij Kishore S/o Shri Sumer
R/o Quarter No.9/1, Daya Basti
Northern Railway,
Delhi.

-APPLICANT

(By Advocate: Shri A.K. Bhardwaj, proxy for Shri M.K.
Bhardwaj)

Versus

1. Union of India
Through
The General Manager, Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
DRM Office, (Northern Railway)
New Delhi.
3. The Divisional Superintendent Engineer (Estate)
Northern Railway, DRM Office,
New Delhi.
4. The Senior Section Engineer,
(Signal East) N.Rly.)
Motia Bagh, Delhi.

-RESPONDENTS

(By Advocate: Shri R.L. Dhawan)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant has filed this OA under Section 19 of the Administrative Tribunal's Act, 1985 as he is aggrieved of the act of the respondents in not giving him the possession of any of the Railway Quarters allotted to him nor allotting to him any other quarter.

2. Facts in brief are that the applicant is working at Daya Basti since 1975 and in the year 1994 he was allotted railway quarter No. 117/4 vide letter dated 24.3.1994 annexed as Annexure-A-3 but somehow the officer

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who was to hand over the possession is alleged to have refused to hand over the possession to the applicant on the plea that the priority of the applicant was much lower than the others. Subsequently the applicant was allotted another quarter No.121/14 vide letter dated 10.10.1994 which is at Annexure A-2 but again the IOW (Estate) expressed his inability to give the possession of the same to the applicant. Subsequently on the third occasion again Quarter No.31/4 Daya Basti was allotted to the applicant vide letter dated 30.11.1996 which is at Annexure A-1 but the possession of the said flat was also not handed over to the applicant by the concerned officer who was to hand over the possession. Thus the person(s) who was on duty to hand over the possession of the quarter to the applicant, successively disobeyed the orders of his own establishment vide which the applicant was allotted quarters.

3. Thereafter the applicant continued to live in jhuggi but his jhuggi was demolished and he and his family was left in open and fell sick and was admitted to the Central Hospital, New Delhi as indoor patient but then some of the officer of the Railways is alleged to have handed him over the possession of Railway Quarter No.9/1 Daya Basti to the applicant's wife in order to save the family of the applicant from distress.

4. Now the applicant has filed this OA that since he is eligible to be allotted Railway accommodation so he

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should be given possession of any of the quarter allotted to him on earlier occasions or the Railway accommodation which is presently occupied by him be regularised in his favour.

5. Since the electricity supply had been discontinued so the applicant has prayed for an interim relief. Notice of the same was issued to the respondents. Respondents only filed a short reply and despite time being granted they did not file any reply contesting the OA and by virtue of an interim order the electricity supply to the quarter in question has been restored.

6. In their short reply the respondents have taken a plea that the applicant is a trespasser in Quarter No.9/1 Daya Basti, Railway Quarter and is illegally and unauthorisedly in occupation of the said quarter and the applicant is stated to have filed some civil suit which is stated to have been dismissed and it is also stated that this Tribunal has no jurisdiction to entertain a petition as per the law laid down by the Hon'ble Supreme Court which is annexed at Annexure R-1.

7. I have heard the learned counsel for the parties and gone through the record.

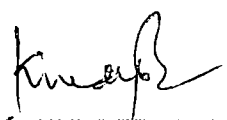
8. The facts that thrice the applicant was allotted quarter vide Annexure A-1, A-2 and A-3 and that

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the official who was to hand over the possession of quarter in pursuance of his allotment, had disobeyed the office orders and did not hand over the possession to the applicant. These allegations are not denied, as no counter-affidavit has been filed. The fact that the applicant has alleged that while he was in hospital suffering from asthma and his family was living in open, so taking pity some officer had allowed him to occupy quarter No.9/1 Daya Basti is also not denied though no Railway servant can occupy a quarter like this as the applicant has occupied the same like a trespasser. However, the fact remains that the eligibility of the applicant for allotment of quarter is not denied at all by the respondents, rather the three annexures A-1 to A-3 show that the applicant had been allotted quarter but was not given possession shows that the applicant by now must be on a much higher priority and is eligible for allotment of quarter and since none of the averments made by the applicant are controverted by the respondents, so the applicant is entitled for the relief.

9. In view of the above, OA is disposed of with a direction to the respondents to consider the allotment of a suitable quarter to the applicant as per his entitlement within a period of 2 months from the date of receipt of a copy of this order. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

/Rakesh