

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. O.A. 345/87.

DATE OF DECISION: 3.11.1992.

Chander Lal Ladha.

..Petitioner.

Versus

Union of India & Ors.

..Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner. None.

For the Respondents. Shri T.S. Ahuja, proxy for
Shri Jagjit Singh, Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

None appears for the petitioner. Shri T.S. Ahuja, Counsel appears for the respondents. We have perused the records.

2. The petitioner's first prayer is for appropriate direction to the respondents not to compel him to vacate the quarter in his occupation and not to charge penal rent. He also prays that he may be allotted a quarter of his entitlement. He further prays that he may be given special treatment in terms of Rule 1701 of Indian Railway Establishment Manual. The other prayer is for quashing the charge-sheet issued to him as per Annexure 'A'.

3. The petitioner was given a small quarter in Delhi when he was serving there in a Group 'D' post. He was occupying the said premises from November, 1979. On his promotion to a Class-III post, he was transferred to Gurgaon. He served

in Gurgaon and other places from 1979 to 1985. On his request he was brought back to Delhi in July, 1985. On the ground that the petitioner had not vacated the quarter allotted to him earlier in 1979, steps were being taken to compel him to vacate the premises. He was issued warning in this behalf and several reminders and he not having heeded to these demands, a disciplinary inquiry was initiated and a charge-sheet was issued against him. It is in this background that the petitioner has approached the Tribunal for relief. He had obtained an interim order in the year 1987 and he continued in the premises ever since then.

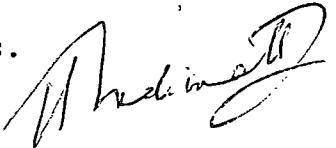
4. The petitioner has put forward in support of his case two circumstances for equitable consideration. The first is that he is a member of the Scheduled Caste and ^{the} second is that his wife is suffering from a serious ailment. So far as his legal right to continue in the premises is concerned, the best that could have been done to him was to allow him to retain the same quarter in Delhi had he come back from the other stations within a period of one year. This right flows from the instructions contained in Chapter III(i)(d) bearing on the question of allotment of quarter, which reads:

"The staff, who are reported at the same station, within 12 months, will be restored the priority which they had before their transfer, and if they were already housed should be placed above those who are in the waiting list in the same category on the basis of which they were allotted a quarter prior to their transfer".

5. This will not help the petitioner for the reason that the petitioner was away from Delhi for nearly six years. Hence, the petitioner has no legal right to insist on continuing

in the premises allotted to him in Delhi after he was transferred from Delhi to out stations in which stations he stayed for nearly six years before coming back to Delhi. It is also necessary to bear in mind that the petitioner went to a particular station of his choice on promotion on his request. Hence, no relief can be granted so far as quarter's allotment is concerned. So far as equitable consideration on the ground that he is a member of the Scheduled Caste and his wife is suffering from a serious ailment is concerned, we leave it to the authority for consideration if the petitioner makes a request placing the facts for sympathetic consideration. There is nothing more to say so far as this aspect of the matter is concerned. So far as disciplinary proceedings are concerned, the Supreme Court has reiterated that we should not interfere at the stage of the show cause notice. This is for the simple reason that a defence can be taken by the parties concerned to persuade the authorities to drop the proceedings. It is, therefore, in the interest of justice to allow the parties to participate in the disciplinary proceedings and to challenge the same only when they reach the finality in accordance with the relevant rules. We would, therefore, not be justified in interfering at this stage with the charge-sheet issued to the petitioner on the ground that the petitioner has failed to vacate the quarter in spite of several orders issued in this behalf for unduly long period. Hence, we see no good ground to interfere. This petition fails and is dismissed. However, we make it clear that if the petitioner makes a request for equitable consideration, the same may be considered by the authority in the best light possible. No costs.


(I.K. RASGOTRA)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN