

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
N E W D E L H I

**O.A. No. 466 of
T.A. No. 1990**

DATE OF DECISION 28.10.91

Sunil Sharma & Ors.

Petitioner

Shri B.S. Mainee

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Shri O.N. Moolri

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J).

The Hon'ble Mr. P.C. Jain, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(Judgment of the Bench delivered by Hon'ble Shri
Justice Ram Pal Singh, Vice-Chairman (J).)

J U D G M E N T

The applicants after obtaining permission to file joint O.A. have filed this Original Application under Section 19 of the Administrative Tribunals Act of 1985 (hereinafter referred as 'Act') praying therein for directing the respondents to allot the quarters in accordance with the seniority in registration to the applicants. By way of interim relief, they prayed for restraining the respondents from allotting newly built 16 quarters in violation of the seniority list issued by them.

2. The applicants are working as Electric Fitters in the Electric Locoshed, Tughlakabad, under D.R.M., Western Railway, Kota. After their appointment as Electric Fitters, they registered their names for the allotment of the railway accommodation. The respondents thereupon issued a seniority list for allotment of Type II quarters

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in accordance with the date of registration of each employee (Annexure A-2). Their grievance is that the respondents did not adhere to the seniority list (Annex. A-2) and by using their authority indiscriminately have proposed to allot Type II quarters in contravention of the seniority list.

3. The respondents by their return have opposed the prayer of the applicants. They, inter alia, held that the allotment is done strictly in accordance with the policy framed by the Housing Committee. This Committee consists of representatives nominated by Unions and SC/ST Association alongwith others. They further contend that Annexure A-1 is the list of allottees issued by the Asstt. Electrical Engineer (TRS), Electric Loco Shed, Tughlakabad.

4. This Tribunal considered the prayer for interim relief on 29.3.90 and restrained the respondents from allotting newly built 16 quarters with the exception of three quarters already stated to have been allotted. The matter was admitted and the learned counsel for the applicants, Shri B.S. Maine, and the counsel for the respondents, Shri O.N. Moolri, were extensively heard finally on 15.5.91 when the judgment was reserved but we felt the necessity of rehearing the counsel and hence final arguments were heard on 24.10.91.

5. Annexure A-2 is the list of the candidates who got their names registered for the allotment of residential quarters Type II. This list was prepared by the respondents showing therein the dates against each applicant and the accommodation was expected to be allotted in accordance with this seniority list one by one till the list was exhausted. The learned counsel for the applicants and the respondents had agreed that it would be convenient for the respondents to allot Type II quarters to the applicants in accordance with Annexure A-2, the list containing the date of registration for allotment by each employee. On the face of this submission, we, therefore, direct the respondents to allot the residential quarters Type II to the applicants in accordance with the seniority list at Annexure A-2 within a period of three months from the date of the receipt of this judgment subject to the availability

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of the residential quarters. Deviation in allotment in contravention of Annex. A-2 will result in injustice to the applicants. Consequently, this O.A. is disposed of finally in the terms indicate hereinabove. The parties shall bear their own costs.

(P.C. Jain)
28/10/1951
(P.C. Jain)

Member (A)

Ram Pal Singh
28/10/1951
(Ram Pal Singh)

Vice-Chairman (J)