

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

OA No.2124/91

Date of decision 22.5.92

Sh.Pramod Kumar Shukla .. Applicant
versus

Union of India through
Director of Estates & Ors... Respondents

CORAM:THE HON'BLE MR.T.S.OBEROI, MEMBER(J)
THE HON'BLE MR.B.N.DHOUNDIYAL, MEMBER(A)

For the Applicant .. Dr.J.P.Verghese,
Counsel.

For the Respondents .. Sh.P.S.Mahendru,
Counsel.

1. Whether the reporters of local papers
may be allowed to see the Judgement? Yes.
2. To be referred to the Reporter or not? No.

JUDGEMENT

(DELIVERED BY HON'BLE MR.T.S.OBEROI,
MEMBER)

In this application filed under Section 19 of the Administrative Tribunals Act,1985, the applicant who is an employee in the Railway Department, is aggrieved by non-allotment of a quarter to him, on medical grounds, out of general pool/Railway pool,in spite of the same having been strongly recommended by the Hon'ble Railway Minister, as per letter Annexure I. His case is that his father was in Government service and retired in 1988. He was duly allotted Government accommodation, during his service. Though the applicant was a Railway servant, he claims allotment of the Government accommodation on preferential basis, because his father being a Government servant and also allotted the Government accommodation during his service. He claims

the following reliefs:-

- (i) to direct the respondents 3 and 4 to allot a suitable accommodation from the Railway pool in accordance with the instructions issued by the Hon'ble Railway Minister.
- (ii) to direct the Respondents not to evict the premises now occupied, till alternate accommodation is allotted to the applicant.
- (iii) to pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

2. The respondents, in the counter filed by them, had opposed the applicant's claim, stating that the present OA is not maintainable, as there is no impugned order, in strict sense of the term, Annexure I just being a letter of recommendation to the department to consider allotment of suitable accommodation to the applicant. The respondents also took up the plea that the applicant's father was allotted accommodation out of a different pool and, therefore, the applicant is not entitled to any benefit on account of the same, for an out - of - turn allotment of accommodation from Railway pool.

3. We have heard the learned counsel for both the parties and have perused the material on record.

4. During arguments, the learned counsel for the applicant pleaded that no matter applicant's father was allotted accommodation

out of general pool, nonetheless the Union of India being the main respondent, it makes no difference, even if the applicant is not entitled to accommodation out of the Railway pool. The learned counsel also pleaded that though after filing of the present OA, there was an order of stay dated 26.11.91 to the effect that "in case the applicant is already in possession of Quarter No.481 Sector VIII, R.K.Puram, New Delhi, which was earlier in the occupation of his father, he shall not be dispossessed from the same till the next date," the applicant was evicted out of the said quarter, during the currency of the stay order. The respondents expressed ignorance about this aspect, in their counter, while urging the other aspects mentioned in the counter, as briefly discussed above.

5. It will be worthwhile to mention here that after presentation of the present OA in this Tribunal, vide order dated 18.9.91, it was expressed that a perusal of the order dated 3.9.91 said to have been passed by the learned Additional District Judge, before whom the matter was earlier pending consideration, was considered necessary, and accordingly, the applicant was directed to produce a copy of the said order. On a perusal of the order dated 3.9.91, a copy of which was produced by the applicant, it is noticed that an undertaking was given by the father of the ~~present~~ applicant before the learned Additional District Judge, Delhi that the quarter in question shall be vacated.

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by 31.8.91. This period was further extended for two weeks, keeping in view the applicant's submission that his wife was seriously unwell. But, in spite of this extension granted upto 17.9.91, the applicant or his father did not vacate the quarter in question, rather came before this Tribunal, by way of the present O.A. In the circumstances, we are of the view that there is no justification for granting any relief prayed for, by the applicant, in this O.A. Moreover there is no impugned order as such in the present case, Annexure I being only a letter of recommendation by Hon'ble Railway Minister to the department for considering the applicant's case for allotment of accommodation to him. Further, in the absence of any material adduced on the part of the respondents as to when exactly the applicant was dispossessed from the quarter earlier allotted to his father, no value can be attached to his assertion, in this respect.

6.. In view of the foregoing, we find no merit in the present OA, which is accordingly dismissed. There shall, however, be no order as to costs.

B.N.Dhundiyal
(B.N.DHUNDIYAL)
MEMBER(A)

T.S.Oberoi
(T.S.OBEROI)
MEMBER(J)