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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

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O.A. NO. 2777/91

DATE OF DECISION : 06.03.92

SHRI R.S. GOSAIN

...APPLICANT

VS.

E.S.I.C. & ANR.

...RESPONDENTS

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SHRI J.P. SHARMA, HON'BLE MEMBER (J)

FOR THE APPLICANT

...SHRI J.P. SINGH

FOR THE RESPONDENTS

...NONE

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

ORDER ( ORAL )

(DELIVERED BY SHRI J.P. SHARMA, HON'BLE MEMBER (J))

Shri R.S. Gosain, an employee of ESI in the grade of Assistant which is the ministerial staff has filed this application aggrieved by non allotment of eligible category of staff quarter, though he has been posted since 11.9.70, earlier as a Peon, then in due course of service got promotion to higher ranks, i.e., LDC, UDC and now Assistant. The grievance of the applicant is that he has been discriminated, and a list, though not authenticated, has been filed as Annexure P3 and it is alleged by the learned counsel that in this list, the persons who are juniors at the station as well as in service have been considered for allotment and actually have been allotted higher type of quarters.

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2. It is also stated by the learned counsel that a joint representation <sup>dt.3.3.89</sup> was made, which is attached as Annexure P1 to the application, but I find that it is neither signed by anybody or the applicant.

3. Shri G.R.Nayyar, Advocate has filed a short reply opposing admission and interim relief. Although time was granted to the respondents to file reply, but they have only come with a short reply only contending that there is no order as such dt.5.10.91 and there is no order existing against which the application is maintainable and so the application be dismissed.

4. I have heard the learned counsel for the applicant. The learned counsel during the course of the argument has shown a paper, on the subject of request for change of residential accommodation, which appears to have been issued by Regional Office of ESI on 4.3.91. The learned counsel has been requested to file the photostat copy of this memo. It goes to show that the applicant has been posted with the respondents since September, 1970. It also shows the date from which the emoluments relevant to Type-II quarters are being drawn and under this column the date is 27.7.1977. Since the application is somewhat ambiguous, it cannot be admitted, because what the learned counsel has

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shown is the<sup>in</sup> name of Raja Singh, while the application has been filed showing the name of the applicant as R.S.Gosain. In this case, the application is disposed of in the following manner :-

The applicant is directed to make a representation afresh in his own name giving all details to the respondents within one month from today and the respondents are directed to dispose of that representation on merit by a speaking, reasoned order showing thereby the policy having been adopted in allotment of the quarters of the eligible type in the grade in which the applicant, R.S.Gosain is working. They are directed to dispose of the representation within a period of two months after the receipt of the representation of the applicant. If the applicant is still aggrieved, he can come again. A copy of this order be given dasti and be also sent to the respondents. In the circumstances, the parties shall bear their own costs.

*J.P. Sharma*

(J.P. SHARMA)  
MEMBER (J)  
06.03.92

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