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Central Administrative Tribunal
Principal Bench, Delhi

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D.A.No.406/91.

Date: 18-5-1992.

Hansoo

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Petitioner

Shri B.S. Maine

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Counsel for the
petitioner

Versus

Union of India and Others . . . Respondents

Shri R.L. Dhawan . . . Counsel for the
respondents

CORAM:

THE HON'BLE MR. JUSTICE V.S.MALIMATH, CHAIRMAN.

JUDGMENT (ORAL)

The petitioner is a Mason. He says that since proper railway quarter was not available to him, he was, on his request, permitted to stay in a small room near the Pump House and that he is not being paid House Rent Allowance on the ground that he has been provided Railway premises. It is said that rent is also being recovered from him. He has been in that premises for nearly 15 years. He was hoping that a regular railway quarter would be made available to him in due course. He further says that he is the seniormost in the category and was, therefore, expecting allotment of an appropriate railway quarter. It is his further case that quarter no.25/2 at Nizamuddin became available for allotment. Instead of allotting that quarter to the seniormost person in the category, who, according to the petitioner, is himself, the same was temporarily

allotted to Shri Jai Jai Ram, Carpenter, a junior to him. Annexure A-2 is an Order dated 11-1-88 in this behalf which says that the said quarter is lying vacant and as such to avoid revenue loss to the Railway Administration, quarter no.25/2, Nizamuddin is being allotted to Shri Jai Jai Ram, Carpenter temporarily till such time the proper allotment is made. It is also the petitioner's case that a document, as per Annexure A-3, was forged which purports to have been signed by the petitioner and 3 others conveying that they have no objection to the allotment of railway quarter no.25/2 to Shri Jai Jai Ram. According to the petitioner, it is a forged document and complaint was lodged to the C.B.I. and other authorities. The petitioner has, therefore, approached this Tribunal for securing proper allotment of a railway quarter.

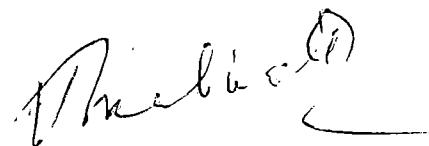
2. The respondents have taken the stand that the petitioner is not the seniormost in the category and, therefore, he is not entitled to the railway quarter no.25/2, Nizamuddin. There is a general denial of the allegation that on the basis of forged document, the premises were allotted to Shri Jai Jai Ram. While the respondents assert that the petitioner is not the seniormost in the category, they do not assert that Shri Jai Jai Ram is senior to the petitioner. Be that as it

may, further it is not the stand of the respondents that any railway allotment of quarter no.25/2 has been made in favour of Shri Jai Jai Ram. The petitioner has produced the order as per Annexure A-2 which only says that pending allotment of the quarter on regular basis, Shri Jai Jai Ram was permitted to reside in the premises to avoid the loss to the Railway Administration. As the respondents have not taken the stand that this was regular allotment made in favour of Shri Jai Jai Ram, the basis I must proceed on that no further order regarding regular allotment of quarter no.25/2 has been made in favour of Shri Jai Jai Ram. Thus, it becomes clear that xxxx quarter no.25/2 became available for allotment, but the same has not been regularly allotted to anybody so far. It is being occupied by Shri Jai Jai Ram pending regular allotment of such premises. It is obvious that respondents have to take immediate steps for allotment of the said premises in accordance with the seniority of the persons concerned. If on such an examination the petitioner becomes eligible, the authorities have to consider his case for allotment of the said premises. Even otherwise, it is the duty of the respondents to determine the claim of the petitioner for allotment of the railway quarter in his turn. It is not fair on the

part of the Railway Administration, to create a situation where a person so lowly paid as the petitioner is required to spend considerable amount for approaching the Tribunal for relief in regard to such a small matter.

3. For the reasons stated above, this petition is partly allowed. The respondents are directed to make a regular allotment of quarter no. 25/2, Nizamuddin in accordance with the rules. If the petitioner, according to his seniority, comes within the zone of consideration his case shall be considered. The respondents shall consider the claim of the petitioner as and when it becomes due as per legitimate seniority for allotment of a regular quarter. Till then, he shall not be dispossessed from the place where he has been residing in the premises of the railway authorities.

With these directions, this petition stands disposed of. No costs.


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(V.S. Malimath)
Chairman

pkk.