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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

No.1374/2004

New Delhi, this the 25th day of January, 2005

Hon'ble Shri S.K. Naik, Member(A)

Kuldeep Kumar
H.No.799, Gali No.6
Jwala Nagar, Shahdara, New Delhi

(Miss Rashmi Rai, Advocate) .. Applicant

versus

Union of India, through

1. General manager
Norther Railway
Baroda House, New Delhi
2. DRM, State Entry Road
New Delhi .. Respondents

(Shri R.L. Dhawan, Advocate)

ORDER(oral)

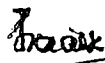
The admitted position in this case is that the applicant had earlier filed OA No.1068/92 seeking grant of compassionate appointment, on his father being declared medically decategorised, and for allotment of suitable railway quarter. That OA was disposed of by this Tribunal vide its order dated 30.10.1992 with the direction to the respondents to give compassionate appointment to the applicant and to allot him eligible type of quarter on out of turn basis on the first available vacancy. This was followed by CP 109/1993 which was disposed of by the Tribunal on 25.2.1994 and notice discharged. In pursuance to Tribunal's direction in OA No.1068/92, the applicant was appointed as S&T Khalasi under CSI, Rohtak in February, 1994. However, he did not make any request for allotment of quarter at Rohtak on out of turn basis. On his transfer to Delhi in May, 2003, he gave an application on 26.5.2003 for allotment of railway quarter, which was registered at Sl.No.954, and he was informed on 2.6.2003 that he would be allotted railway quarter in his turn and that the Division is not empowered to allot a railway quarter in favour of staff working in Delhi on out of turn basis. Aggrieved by this, applicant filed yet another CP 389/2003 and the same was dismissed by the Tribunal on 18.11.2003, as no contempt was made out. By the present OA, applicant seeks a direction to the respondents to allot him a railway quarter on out of turn basis.



2. I have heard the counsel for the parties and considered the pleadings.

3. The main plank of attack by the applicant is that when he opted for out of turn allotment after his transfer to Delhi, respondents should have complied with the order of the Tribunal by allotting a suitable railway quarter from amongst the 71 Type IV flats lying vacant. On the other hand, respondents' counsel has argued that the relief prayed for the applicant has already been adjudicated upon by the Tribunal as back as on 30.10.92 and the two CPs filed by him having been dismissed, the present application seeking the same relief is hit by the principle of resjudicata and, therefore, the OA is not maintainable and be dismissed. He has further argued that when the applicant's name has already been registered for allotment of suitable railway quarter in his turn and he has been informed accordingly, there is no question of allotment of the quarter on out of turn basis against the extant Rules on the subject. I find force in this contention. When the applicant did not make a request as directed by the Tribunal earlier in 1992 and now that the respondents have already been sympathetic to the applicant by posting him first at Rohtak on compassionate ground and later posting him at Delhi at his own request, he cannot take the plea that he should be allotted railway quarter on out of turn basis against the Rules.

4. That being the position, I find no merit in the present OA and the same is accordingly dismissed.


(S.K. Naik)
Member(A)

/gtv/