

OPEN COURT
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

DATED: THE 11th Day of December 1998

CORAM: HON'BLE MR. S.K.AGRAWAL, J.M.

ORIGINAL APPLICATION NO.1296 OF 1997

Chhedi Lal son of Sukhdeo R/o 151/B, Railway Colony,
Behind Railway Hospital, Etawah.

.... Applicant

C/A Shri B.N.Singh, Advocate

Verses

1. Union of India through the Divisional Railway
Manager, Northern Railway, Allahabad, Division, Allahabad.

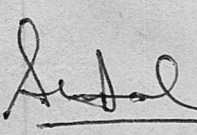
2. Senior Divisional Electrical Engineer
Karsan Vitram Northern Railway, Allahabad.

... Respondents

C/R Shri Amit Sthalekar, Advocate.

ORDER

BY HON'BLE MR. S.K.AGRAWAL, J.M.-

 In this original application the prayer of the applicant is to quash the impugned order at Annexure-A1 and to direct the respondents to pass reasoned order in accordance with Railway Board's order for retention of quarter at Etawah.

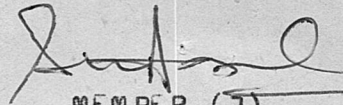
2. In brief, facts of the case as stated by the applicant are that the applicant is working as Senior Clerk under S.T.F.O. Etawah where he was under suspension with

effect from 17.5.93 and finally reverted on the post of clerk for the period of 10 years. The applicant challenged the action of the respondents by O.A. No.803/94 and vide judgment of this Tribunal the impugned order was set aside vide order dated 13.5.97 and applicant was posted under Divisional Electrical Engineer, Tundla. The applicant was transferred from Etawah to Tundla but applicant's family was there. His mother is about 75 years of age and there is no other member in the family of the applicant. The mother of the applicant is a patient of Asthama who is getting regular treatment from N.R.L. unit Etawah. Applicant by letter dated 8.9.97 requested D.R.M., Allahabad for permitting retention of railway quarter due to continued illness of his mother but that was not forwarded. Therefore, the applicant sent an advance copy but the same was rejected and vide Annexure A1 applicant was asked to vacate the quarter allotted to him. It is submitted by the applicant that the impugned order passed by respondent no.2 is a non speaking and misconceived order and the applicant's mother is too old and there is no other family member in the family of the applicant to look after her. Therefore, the impugned order is illegal, arbitrary and malafide. Counter was filed by the respondents. In the counter it is stated by the respondents that application by the petitioner for retention of quarter was not forwarded to Divisional Railway Manager as it was not necessary to forward the petitioner while on transfer from Etawah the Divisional Electrical Engineer did not carry out the transfer order and remained unauthorised absent with effect from 31.3.94 to 17.8.97. He has not submitted any request for grant of permission for retention of Railway Quarter at Etawah in which he has submitted in March 1994 and extension upto 8 months is permissible as per Railway Board's letter No.E(G)86 QR 1/9 dated 15.1.90. After one year no one in Railway has power to permit retention. It is further stated that speaking order is not required in this case, as such the applicant is not

entitled to any relief sought for. Rejoinder has also been filed.

3. I have perused the pleadings of the parties and heard the arguments of the learned counsel for the applicant and learned lawyer for the respondents.

4. No case of the applicant is made out for his retention of quarter at Etawah as he has joined long back at Tundla. No application for retention was filed in time by the applicant. Therefore, in the facts and circumstances of the case the applicant fails to make out any case in his favour. Therefore, this application is therefore dismissed and is no order as to cost.


MEMBER (J)

Gc