

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

Original Application No. 661 of 2001

this the 16th day of August 2002.

HON'BLE MR. C.S. CHADHA, MEMBER(A)

Pankaj Saxena, S/o Sri N.P. Saxena, working as TTE under
Station Supdt., Tundla.

Applicant.

By Advocate : Sri S.S. Sharma.

Versus.

1. Union of India through the General Manager, N.R. Baroda House, New Delhi.
2. The D.R.M., N.R., Allahabad.
3. The D.C.M., N.R., Allahabad.
4. The Station Supdt., N.R., Tundla.

Respondents.

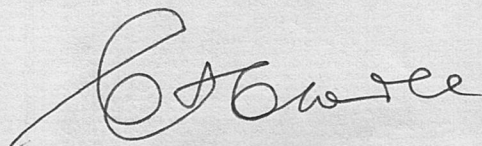
By Advocate : Sri A.C. Misra.

O R D E R (ORAL)

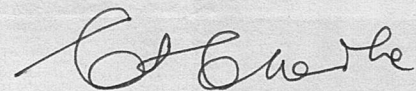
The case of the applicant is that a house (49/AB Type II) at Tundla was allotted to the applicant by virtue of his appointment as TTE, but the same was cancelled on the ground that his mother had a house in the same station.

2. During the course of arguments before me on 15.3.2002, the learned counsel for the respondents stated that such a rule existed and he was granted time to produce such a rule.

3. The learned counsel for the respondents has stated before me today that he is unable to find such a rule. I am also surprised to know that such a stand has been taken by the respondents in the impugned order. Every person has a right to live in his own house and it is not necessary ~~to live in the house~~ ^{to live in his house even} ~~for a house owner to allow his son or daughter~~ ^{after such} a son/daughter has become a major and is **self** sufficient and self reliant. A Government servant cannot be



denied the allotment of a quarter merely on the ground that some relative of his, who is not dependent on him, owns a house in the same station. I, therefore, come to the conclusion that the cancellation of the order of allotment in favour of the applicant was totally illegal and mis-placed and amounts to high handedness on the part of the respondents. The cancellation of the allotment is, therefore, quashed. The respondents are directed not to interfere in the legal occupation of the said quarter of the applicant. The O.A. is, therefore, allowed. No order as to costs.



MEMBER (A)

GIRISH/-