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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.

ORIGINAL APPLICATION NO.450 OF 2005

ALLAHABAD, THIS THE 15th DAY OF APRIL, 2005

QUORUM : HON. MR. K. B. S. RAJAN, J.M.

Provat Kumar Banerjee, aged about 41 years, Son of Late S.K. Banerjee, R/O 555-B, Type-III, Inspector Colony, F.C.R., Gaya.

.....Applicant.

Counsel for applicant : Shri K.K. Mishra.

Versus

1. Union of India through the General Manager, East Central Railway, Hazipur.
2. Divisional Railway Manager, East Central Railway, Mughalsarai, Chandauli.
3. Senior Divisional Electrical Engineer (Operation), Office of the D.R.M., East Central Railway, Mughalsarai, Chandauli.
4. Chief Crew Controller, E.C. Railway, Gaya.

.....Respondents.

Counsel for Respondents : Sri A.K. Gaur.

O R D E R (Oral)

HON'BLE MR. K.B.S. Rajan, J.M.

The challenge in this case is against order dated 2.4.2005 whereby the Respondents have cancelled the quarter allotted to the applicant on the reason that the said allotment was made ignoring the seniority and without the approval of the Competent Authority. Counsel for the applicant contends that the allotment having been made on the recommendation of the Chairman of the Allotment Committee, the question of not having the approval of the Competent

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Authority does not arise. As he quotes, ignoring the seniority, of course, he will not be having any material to make any contention. The applicant has been given the allotment of accommodation bearing Qr. No.555-B, Type-III, Inspector Colony, Gaya vide order dated 15.12.2003 and the said allotment is stated to be temporary. It has been argued on behalf of the counsel for applicant that the term 'temporary', not describing any time limit, cannot mean that the authorities could even without notice, cancel the allotment. On the other hand, counsel for the respondents states that it is only when specific period is provided that there is security of non-cancellation till then.

2. The applicant has already made a representation dated 8.3.2005, which is yet to be disposed of by the respondents.

3. Without going into the merits of the case, I feel that ends of justice would be fairly made if a direction is given to the respondents to consider the representation dated 8.3.2005, filed by the applicant and dispose of the same by a speaking order. All the grounds, raised in this O.A., shall also form part of the representation including the legal issues and the respondents are directed to consider the representation as well as the grounds made in this O.A. and pass a speaking order within a period of six weeks from today. In case, the respondents are disinclined to accede to the request of the applicant for continuance in the said accommodation, a period of four weeks shall be made available to the applicant for vacating the accommodation.

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4. The O.A. is disposed of on the above lines. Till the disposal of the representation, the applicant shall not be dispossessed of the accommodation No.555-B, Inspector Colony, Gaya.

No order as to costs.


J.M.

Asthana/