

(OPEN COURT) (2)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 26th day of May, 2005.

Original Application No. 612 of 2005.

Hon'ble Mr. Justice S.R. Singh, VC.
Hon'ble Mr. S.C. Chaube, Member- A.

Smt. Gayatri Srivastava,
W/o Late Sri D.P. Srivastava,
R/o Type II 567- A, Lalit Nagar Colony,
Distt. Allahabad. APPLICANT

Counsel for the applicant :- Sri Ashish Srivastava

V E R S U S

1. Union of India through the General Manager,
North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central
Railway, Allahabad.
3. Senior Section Engineer (Works),
North Central Railway, Allahabad.
4. Senior Assistant Divisional Engineer (Region),
North Central Railway, Allahabad.
5. Chief Office Superintendent (Works),
D.R.M Office, Allahabad. RESPONDENTS

Counsel for the respondents: - Sri A.K. Gaur

O R D E R

BY Hon'ble Mr. S.C. Chaube, AM

Through this OA the applicant has sought direction for quashing the notice dated 05.05.2005 issued from the office of the respondent no. 3 i.e. Senior Section Engineer (Works), North Central Railway, Allahabad and further direction to respondent no. 2 i.e. D.R.M, North Central

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Railway, Allahabad not to evict the applicant in pursuance of the notice dated 05.05.2005.

2. Briefly the facts of the case are that the husband of the applicant Late Sri D.P. Srivastava was working as Head Clerk under Divisional Superintendent Engineer(c), Allahabad who died in the year 2000 leaving behind his wife, one unmarried daughter and one unmarried son as his dependent. Another son namely Sri A.K. Srivastava already employed during his life time. The husband of the applicant was allotted quarter No. Type II 567-A, Lalit Nagar, Allahabad in which he was living along with his family members till date of his death. The applicant has not been paid the amount of gratuity due to her husband till date. However, it appears that the same has already been adjusted towards the rent of the said allotted quarter although no final decision has been taken in this regard. One of the sons of the applicant is still unemployed and is living with the applicant.

3. The grievance of the applicant is that she is medically unfit and not in a position to shift in quarter no. 697-C, Loco Colony allotted to her son Sri A. K. Srivastava since the same is situated on the first floor and the applicant is not in a position to climb the stairs and thus the applicant preferred representation dated 13.12.2001 (Annexure- 2) followed by another representation dated 11.05.2005 (Annexure- 3) before the D.R.M, North Central Railway, Allahabad seeking allotment of quarter No. 567- A, Lalit Nagar in favour of her son Sri A.K.

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Srivastava which was earlier allotted to her husband in lieu of quarter No. 697- C, Loco Colony allotted to her son.

4. Having heard counsel for the parties we are of the view that the competent authority should decide the representation dated 13.12.2001 and 11.05.2005 preferred by the applicant within a stipulated period.

5. Accordingly the respondent No. 2 is directed to consider and decide the representation dated 13.12.2001 and 11.05.2005 preferred by the applicant within a period of three months from the date of communication of this order.

6. In the mean while because of physical condition of the applicant respondents are directed to allow the applicant to continue in the present accommodation as per rent under rules.

7. With the aforesaid observation the OA is disposed of at the admission stage with no costs.

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MEMBER- A.

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VICE-CHAIRMAN.

/ANAND/