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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration No. 226 of 1986

Bhadeswar Chand

applicant.

vs.

Union of India (G.M.N.E.R.Gorakhpur).. Respondents.
and others.

Hon'ble D.S.Misra/ A.M.

This is an application under section 19 of the A.T.Act XIII of 1985 against an order dated 11.3.84 passed by Addl. C.M.E.(W) Gorakhpur(respondent no.2) allotting quarter no. L/24 B Type I to Sri Om Prakash(respondent no.4).

2. The applicant's case is that he was appointed as Khalasi in the Shop tools room N.E.R., Loco Workshop, Gorakhpur on compassionate grounds on 13.9.84 and he is working in the same capacity even now; that the father of the applicant, who was living in the above mentioned quarter, retired on 29.1.83; that the applicant had requested respondent no.2 to allot the above quarter in his name on various dates beginning 14.9.84 to 8.10.1985 but the same was not done in his favour; that the applicant is entitled to above mentioned quarter as he is living with his father before his appointment as Khalasi and respondent no.4 is disqualified for allotment of that quarter. The applicant has prayed the issue of an order directing the opp.parties nos.1 to 3 that they shall not interfere in the possession of the above mentioned quarter and to allot the same in favour of the applicant and that the order dated 11.3.84 passed by respondent no.2 may be quashed and the respondent no.4 may be directed to vacate that quarter.

3. In the reply filed on behalf of the respondents, nos. 1 to 3, it is stated that the father of the applicant had given his consent in favour of respondent no.4 for sharing the accommodation (copy annexure 1) some time in Jan.81; that the share of accommodation was allowed in favour of respondent no.4 by an order dated 11.3.84 when the applicant was not in the service of respondents nos. 1 to 3 (copy annexure 2); that the applicant is not entitled for the allotment of the quarter which was in the occupation of his

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father and he will be allotted accommodation according to his turn and when he applies for the same; that the above mentioned quarter, which has already been allotted to respondent no.4, can not be allotted to the applicant. No reply was filed on behalf of the respondent no.4.

4. A rejoinder affidavit was filed on behalf of the applicant in which the allegations made in the original application were reiterated.

5. We have heard the arguments of the learned counsel for the parties. The main argument of the learned counsel for the applicant is that his father Sri Anand Kishore Singh was retired on medical ground and he was appointed under respondent nos. 1 to 3 on compassionate ground and he was entitled to the allotment of the quarter occupied by his father on the same reasoning that he was appointed in ~~view~~ ^{lieu} of his father, who was retired on medical ground. Learned counsel for the respondent contended that the father of the applicant, Sri ~~Anand~~ ^{Om} Kishore Singh, had consented to share the accommodation with respondent no.4 long before his retirement from service and that the allotment of the quarter was made in favour of respondent no.4 even before the appointment of the applicant in the service of respondent nos. 1 to 3. On his own admission, the applicant entered into the service on 13.9.84 and the allotment of the quarter in favour of respondent no.4 was made by order dated 11.3.84. A perusal of Item no.4 of the letter of appointment (annexure 2) would show that Sri Om Prakash was denied house-rent allowance w.e.f. 20.4.81, the date from which he was allowed to share the accommodation with ~~Anand~~ ^{Om} Kishore Singh, the original allottee and he was also made liable to pay full house rent w.e.f. February, 83. I have considered the matter and I am of the opinion that there is no merit in the contention of the applicant. The application is misconceived.

The application is dismissed without any order as to cost.

D.S.MISRA 7.9.87
(D.S.MISRA) A.M.