

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

O.A.No. 1173 1937.
I.A.No.

DATE OF DECISION Nov. 4, 1988

P. C. Yadav

Petitioner

Shi S. R. Yadav

Advocate for the Petitioner(s)

Versus

GM, DLW, Varanasi & others

Respondent

Shi Lalji Sinha

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Ajay Johri, A.M.

The Hon'ble Mr..

- ✓ 1. Whether Reporters of local papers may be allowed to see the Judgement ?
- ✓ 2. To be referred to the Reporter or not ?
- ✓ 3. Whether their Lordships wish to see the fair copy of the Judgement ?
- ✓ 4. Whether to be circulated to other Benches ?

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(4) (A2)
Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration (O.A.) No. 1173 of 1987

Prem Chandra Yadav Applicant.

Versus

General Manager, Diesel Locomotive
Works, Varanasi & others Respondents.

Hon'ble Ajay Johri, A.M.

By this application/^{filed}under Section 19 of the Administrative Tribunals Act XIII of 1985, the applicant, who is working as a Senior Data Entry Operator^{31/ in DLW at Varanasi}, has challenged the order dated 21.1.1987 cancelling the allotment of House No. 205/E in the possession of the applicant and has prayed that a direction be issued to respondents no. 1 and 2 to decide the applicant's representations dated 30.3.1987, 28.5.1987 and 28.9.1987, which are annexed as Annexures 18, 19 and 20 to the application, and for issue of a direction to the respondents not to evict him from the said quarter.

2. Briefly the case is that the applicant's father, who was an employee of DLW, Varanasi died while in service on 1.2.1980. After the death of the father of the applicant an application was made by the applicant's mother for making the allotment of the accommodation in favour of an Uncle of the applicant, R.P. Yadav, respondent no.3. In the meantime the applicant was also given an appointment on ⁵⁵companionate account as a Machine Room Punch Operator Grade II, who is equivalent to Skilled Category in class III service of the Railways. On receipt of the application^{31/ from the widow} the

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the Uncle, respondent no.3, was allotted the said Quarter No.205/E-II because the mother had given an application saying that she is dependent on the Uncle. The applicant and mother of the applicant stayed along with the Uncle till March, 1982. ^{or thereafter} The applicant agitated the issue of allotment of a quarter to himself on ^{or} compassionate ground. In his application dated 26.3.1982 the applicant ^{or} ~~and~~ requested for allotment of a quarter on ^{or} ~~SS~~ compassionate ground and according ^{or to} the averments made by him he was not in knowledge that a quarter has already been allotted on the application of his mother ^{or on the score} to the Uncle. Applications were also received from the mother saying that a quarter had been wrongly allotted to the uncle of the applicant on the basis of certain applications which she was made to sign ~~when~~ her husband had died and the dispute between the uncle and the applicant continued. The matter was discussed in the Housing Committee meetings also and the Housing Committee made a joint allotment in December, 1983 of the quarter originally allotted to the Uncle of the applicant. Since the applicant was not satisfied with ^{or and there were differences between the uncle & nephew the jt allottee} this allotment, he made a representation to the General Manager (GM) sometime in 1986. GM ordered an enquiry into the matter and the Deputy Chief Engineer submitted a report and GM after considering all the facts and ^{or} interviewing the applicant as well as his Uncle made an observation that there are personal disputes amongst themselves and it was not possible for them to stay together. Therefore, he allotted separate quarters to the two incumbents who were the joint allottees of quarter No.205/E. This order was issued by GM on 18.10.1986 and accordingly ^a separate quarter was allotted to the applicant on 21.1.1987.

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The respondents have in para 14 of their reply said that although this allotment had been made on 21.1.1987 both the Uncle of the applicant and the applicant deliberately avoided to occupy the quarters allotted to them and to avoid revenue loss ^{on account of} ~~for~~ keeping those quarters vacant it was decided by the administration to allot those quarters to other employees who ^{were} ~~are~~ in turn for such quarters. After the refusal of the applicant and respondent no.3, the uncle of the applicant, to vacate quarter no.205/E the occupation of this quarter is being treated as unauthorised by the administration and according to para 14 of the reply suitable disciplinary proceedings are proposed to be taken against them.

3. I have heard the learned counsel for the parties. On behalf of the applicant the main emphasis was that respondent no.3 (Uncle of the applicant) had taken the allotment which was meant for the applicant by fraudulent means and misrepresentation and exercising his influence as he was a Member of the Housing Committee and the quarter that has been now allotted by GM is of a lower category and, therefore, it is not acceptable to the applicant. According to the learned counsel for the applicant since the administration had decided to allot the type II quarter on ⁵⁵ ~~com~~ ³¹ ~~pa~~ ⁵⁵ ~~tionate~~ ³¹ ~~ground~~ ⁵⁵ ~~which~~ ³¹ ~~was~~ ⁵⁵ ~~actually~~ ³¹ ~~meant~~ ⁵⁵ ~~for~~ ³¹ ~~the~~ ⁵⁵ ~~applicant,~~ ³¹ ~~the~~ ⁵⁵ ~~applicant~~ ³¹ ~~should~~ ⁵⁵ ~~now~~ ³¹ ~~be~~ ⁵⁵ ~~allotted~~ ³¹ ~~to~~ ⁵⁵ ~~only~~ ³¹ ~~the~~ ⁵⁵ ~~type~~ ³¹ ~~II~~ ⁵⁵ ~~quarter.~~ ³¹ ~~On~~ ⁵⁵ ~~behalf~~ ³¹ ~~of~~ ⁵⁵ ~~the~~ ³¹ ~~respondents~~ ⁵⁵ ~~the~~ ³¹ ~~learned~~ ⁵⁵ ~~counsel~~ ³¹ ~~submitted~~ ⁵⁵ ~~that~~ ³¹ ~~GM~~ ⁵⁵ ~~had~~ ³¹ ~~after~~ ⁵⁵ ~~giving~~ ³¹ ~~thought~~ ⁵⁵ ~~to~~ ³¹ ~~the~~ ⁵⁵ ~~problem~~ ³¹ ~~and~~ ⁵⁵ ~~interviewing~~ ³¹ ~~the~~ ⁵⁵ ~~applicant~~ ³¹ ~~and~~ ⁵⁵ ~~respondent~~ ³¹ ~~no.3~~ ⁵⁵ ~~given~~ ³¹ ~~definite~~ ⁵⁵ ~~orders~~ ³¹ ~~for~~ ⁵⁵ ~~allotment~~ ³¹ ~~of~~ ⁵⁵ ~~a~~ ³¹ ~~type~~ ⁵⁵ ~~I~~ ³¹ ~~quarter~~ ⁵⁵ ~~to~~ ³¹ ~~the~~ ⁵⁵ ~~applicant~~ ³¹ ~~and~~ ⁵⁵ ~~a~~ ³¹ ~~type~~ ⁵⁵ ~~II~~ ³¹ ~~quarter~~ ⁵⁵ ~~to~~ ³¹ ~~respondent~~ ⁵⁵ ~~no.3.~~

4. That Government has constructed quarters for

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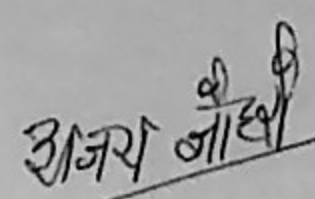
the benefits of its employees but it is a well known fact that the satisfaction in respect of quarters ranges in the neighbourhood of 40 percent and all employees cannot be provided with Government accommodation. The allotments are, therefore, made keeping in view the number of persons waiting for allotment, type of accommodation available and the nature of allotment, i.e. whether the staff is in essential category or belongs to certain other category. GM had given the order after considering all the facts as averred by the respondents in para 13 of the reply. It is not that the applicant was left on the roads and not given ^{sympathetic} consideration ^{on account of} the situation arising out of the personal disputes amongst the family members. The request for the allotment which was made by the mother of the applicant for whatever reason earlier in favour of respondent no.3. ³ The administration had not acted arbitrarily or unreasonably. Keeping in view these aspects I do not find that the order given by GM needs any interference at this stage. However, in view of the fact that the quarters which were originally allotted to the applicant has since been allotted to somebody else, it would be necessary that the respondents ³ consider to make a fresh allotment in favour of the applicant of a type of quarter either ² of his entitlement or one lower whichever type is available depending on the ³ availability & priorities on the waiting list for allotment ~~waiting list for allotment~~ of the quarters. In the absence of any allotment now standing in the name of the applicant if the applicant is evicted from quarter no. 205/E, which he is jointly occupying with respondent no.3, he will be actually left ³ without any roof ~~on the roads~~ and perhaps this is not the intention of the respondents.

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5. On the above view, I direct that a fresh allotment be made in favour of the applicant at the earliest opportunity on ^{an} ~~the~~ out of turn basis and the applicant may be allowed to continue in joint occupation ^{which I understand is still continuing} till this fresh allotment is made, ^{which I understand} ~~is still continuing~~. The application is disposed of with these directions with no order as to costs.


MEMBER (A).

Dated: November 4, 1988.

PG.