

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

Original Application No; 1406 of 1988

Smt Triveni Devi

..... Applicants.

Versus

Senior Divisional Personnel  
Officer, Northern Railway  
Allahabad, & others

..... Respondents.

Hon'ble Mr. Maharaj Din, Member(J)

This is an application under Section 19  
of the Administrative Tribunal's Act 1985 seeking  
relief to direct the respondents to allot her  
Quarter No. 590-B Smith Read Allahabad. It has been  
further prayed that the respondents be directed  
not to initiate any action against the applicant  
in view of the orders dated 14.6.1988, 20.7.1988,  
3.10.1988 and 16.11.1988.

2. The relevant facts briefly stated are  
that the husband of the applicant was working as  
Head Clerk in the office of Station Superintendent  
Northern Railway Allahabad. He died in harness  
on 28.8.1977. After the death of the husband of  
the applicant, she was appointed as a Peon on  
compassionate ground on 3.12.1977. The husband of  
the applicant was allotted Quarter No. 590-B, Smith  
Read Allahabad and the applicant who is his widow

*Dms*

continued to live in the said Quarter. After the death of her husband, the applicant applied for allotment of the said Quarter in her name which the respondents refused and asked her to occupy alternative accommodation (Type I Qr.), for which she is entitled. Hence the applicant has come up before this Tribunal for redress.

3. The respondents filed Counter Reply and resisted the claim of the applicant on the ground that she is not entitled for allotment of Type 'B' Quarter. She has however, been allotted alternative accommodation Type I Quarter, which she has refused to accept.

4. I have heard the learned counsels for the parties and perused the record.

5. Besides the other grounds pleaded by the applicant, it has been stressed that the Quarter which is presently in occupation of the applicant is of Sub standard type and the same can be allotted to her though she is Class IV employee. The respondents have denied this fact and have said that the Quarter which is in occupation of the applicant is not Sub standard Type II Quarter. The learned counsel for the applicant has argued that several

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other Class IV employees have been allotted Type II Quarter and in support of his contention, a receipt has been filed (Annexure-I), in which Ram Dularay Pal is described as a Peon and he is shown to have been allotted Type II Quarter. This obviously shows discrimination as regards the applicant is concerned. So if this receipt pertains to Type II Quarter allotted to a Peon, the applicant may also be allotted Quarter No. 590-B which is presently in her occupation.

6. The application is accordingly allowed with the direction to the respondents, that if the other Class IV employees <sup>as mentioned above</sup> are allotted Type II Quarter, the applicant may also be allotted Quarter in question which is Type 'B' Quarter. The respondents are further directed not to deduct panel rent or initiate any proceedings for her eviction from the Quarter till final decision is taken in the matter by the respondents. The applicant will be at liberty to file fresh application if she feels aggrieved by the decision, so taken by the respondents.

*Wms*  
22.3.95  
Member (J)

Allahabad Dated:

(jw)