

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1624 of 1993

Allahabad this the 20th day of January, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Om Prakash Pandey [Sorting Assistant] S/o Sri Akhilanand Pandey, aged about 32 years, R/o Village Sikatipur P.O. Chhapara Distt. Varanasi (U.P.), presently is working as Cashier in the Office of Sub Record Office Railway Mail Service (R.M.S.) 'A' Division Varanasi (U.P.)

Applicant

By Advocate Shri S.K. Misra

Versus

1. Union of India through Secretary of Communication, Ministry of Communication, Government of India, Sanchar Bhawan, New Delhi-110011.
2. The Post Master General, Allahabad Region, Allahabad-211001.
3. The Director, Postal Services, Allahabad Region, Allahabad (U.P.)-211001.
4. The Senior Superintendent, Railway Mail Service (R.M.S.) 'A' Division, Allahabad (U.P.)

By Advocate Shri Satish Chaturvedi

Respondents

O R D E R (Oral)

By Hon'ble Mr.S.K. I. Naqvi, Member(J)

Shri O.P. Pandey has come up seeking the order of the Court to respondent no.4 to withdraw/

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cancel the order dated 30.7.1993 of allotment of quarter no.17 P & T Colony, Varanasi to Sri R.P. Yadav, S.A. S.R.O., R.M.S.(A), Division, Varanasi and the quarter be allotted to the applicant.

2. In support of his prayer, the applicant has mentioned that the quarter no.17(Type II) in P & T Colony at Varanasi was allotted to Shri R.P. Yadav ignoring the claim of the applicant. Showing his entitlement, the applicant has asserted that the residence in question is type II residence and the applicant is entitled to it in view of his pay scale and it has illegally been allotted to Shri R.P. Yadav who is entitled to type III residence. It has also been asserted that the applicant stand on ^{better} ~~different~~ footing to get the quarter allotted because he applied for the allotment much earlier ^{than} to the application of Shri R.P. Yadav. The applicant has also pressed that this allotment to Shri R.P. Yadav is not on merit keeping in the requirement of the applicant for allotment of the same but was done under influence of Shri Balram Singh who is Office bearer of the Employees Union and had come up to support Shri R.P. Yadav who also happens to be the Officer bearer.

3. The matter has been contested by the respondents and it has been asserted that there is no bar under any rule to allot a residence to an official lower in category than that of his ~~ent~~

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entitlement. With this assertion, it has been admitted that no doubt Shri R.P. Yadav is entitled to type III residence but has been allotted Type II residence keeping in view the availability of vacant residence and also the service seniority of Shri R.P. Yadav ^{in service} rank who is much more senior as well as in seniority than that of the applicant. The allegation about influence of Office bearer has also been denied. .

4. Heard, Shri S.K. Mishra for the applicant and Shri Satish Chaturvedi for the respondents who has appeared on request of the Court to assist in disposal of this old pending matter.

5. Considered the arguments placed from either side and perused the record.

6. Even if the facts mentioned by the applicant are admitted, except influence of the Union, it will not be possible to grant him the relief sought for. There is provision for entitlement of residence according to ~~which~~ pay scale and pay drawn but there is no bar under rules to allot a residence of lower category than that of the entitlement.

7. The principle under which the residences are to be allotted to the employees available at the station, is left to the Officer-in-charge of the Unit to allot the same according to requirement of the employees posted therein but under a determined principle and not to use the authority arbitrarily. In the present matter, it has been brought on record.

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by averment in paras 9 and 10 of the counter-affidavit that the allotment has been made according to service seniority in which the applicant comes ~~with~~ much below the allottee *in question*, Shri R.P. Yadav.

8. The insistence of the applicant to allot a particular quarter no.17(Type II) does not appear to be coming from a sober official. However, The department concerned may consider his claim as per rules when any residence of his entitlement is available at the station. Subject to above observation, the O.A. is dismissed. No order as to costs.

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Member (J)

/M.M./