

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDL. BENCH

ALLAHABAD

Dated : This the 6th day of January, 1996

CORAM : Hon'ble Mr. S. Das Gupta AM  
Hon'ble Mr. T. L. Verma JM

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ORIGINAL APPLICATION NO. 389 OF 1993

Harshanath Pandey son of Late Vishwa Nath Pandey,  
resident of Railway quarter no. 19-DE,  
Karchhana, District Allahabad.-- -- -- -- -- APPLICANT

C/A Sri P.K.Kashyap  
Sri R.K.Saxena

VERSUS

1. Union of India through Sr.Divl.Engineer-I,  
Northern Railway, Allahabad.
2. Assistant Engineer, Northern Railway,  
Mirzapur.
3. Permanent Way Inspector,  
Northern Railway, Meja Road,  
District Allahabad.-- -- -- -- -- Respondents

C/R Sri T. N. Koel  
Sri N.K.Shukla

ORDER

By Hon'ble Mr. S. Das Gupta AM

This O.A. was filed by the applicant  
under section 19 of the Administrative Tribunals Act, 1985  
praying that order dated 1.1.1993 and also order dated  
2.2.1993 be quashed as the suspension of the applicant

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is illegal. He has also sought a direction to the respondents to issue <sup>NO 19 DE</sup> normal order of allotment of quarter or any other type III quarter to the applicant.

2. The applicant was working as Permanent Way Mistry in the Northern Railway of Allahabad Divn. and at the relevant point of time, he was posted at Karchhana. He was allotted a railway quarter no. 20-C which was type I quarter. The applicant was entitled to higher type of quarter, but due to non-availability of type II and type III quarter, only type I quarter was allotted to the applicant.

3. The applicant's case is that quarter no. 19-DE, which fell vacant was occupied by him on verbal permission of one Sri A.K. Koshli, respondent no. 3. However, this was declared as unauthorised occupation and order for suspension was issued which is under challenge.

4. The respondents have filed counter affidavit in which it has been categorically stated that the applicant was provided with a railway quarter no. 20 'C' which was readily available, but despite occupying the same, the applicant had forcibly and unauthorisedly occupied quarter no. 19-DE without any <sup>Any</sup> clarification from the respondents. Verbal assurance for allotment of this quarter has been categorically denied. It has been stated that for such illegal action on the part of the applicant, he was placed under suspension.

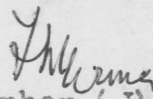
5. The applicant has not filed any R.A. Therefore, the allegations made in the C.A. remain unrebutted. Learned counsel for the applicant did

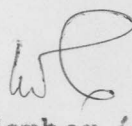
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not appear when the case was called out. We, therefore heard learned counsel for the respondents and after perusing the pleadings on record, proceeded to pass this order.

6. The applicant has only stated that there was some oral assurance from Sri A.K.Kohli that quarter no. 19-DE will be allotted to him. There is nothing on record to show that any assurance was given to him. He has not even impleaded Sri A.K.Kohli as <sup>by name</sup> respondent. On the other hand, respondents have specifically stated that there was no such assurance, Quarter no.19-DE was meant to be occupied by P.W.I and not by the applicant, who was only P.W. Mistry. This averment has not been controverted by the applicant. In any case, this question of fact, which is in dispute can be enquired into by the department. The order of suspension is an interlocutory order and cannot be said to have been passed without any reason. We see no reason to interfere. Also the question of allotment of quarter is within the jurisdiction of the respondents, who allot quarters in accordance with the established norms of the respective department. We, therefore, see no reason to give any direction for the allotment of the quarter. No case is made out and the application is dismissed. Parties to bear their own costs.

  
Member (J)

  
Member, (A)

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