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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 929 of 1993

Allahabad this the 31st day of January, 2000

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

Paras Nath S/o Late Munni Lal R/o New Central
Colony, Moghalsarai, Varanasi.

Applicant

By Advocate Shri S.K. Dey

Versus

1. Union of India through the General Manager,
E. Railway, Calcutta.
2. The Senior Medical Superintendent, E. Rly.
Moghalsarai, Varanasi.

Respondents

By Advocate Shri D.C. Saxena

O R D E R (Oral)

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

Shri Paras Nath, Ambulance Driver
at Moghalsarai, Varanasi, was residing in allotted
type II quarter no. 616 on the strength of allot-
ment order dated 11.12.1992. At the same time,
Smti M.D. Arya, another employee of the same
department, was allotted and occupant of type II
quarter no. 704. For mutual convenience, the
applicant- Paras Nath and Smti M.D. Arya agreed

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to mutually exchanged their occupancy and with the permission of C.M.O. of the station, they were allowed to exchange their residences and vide the order dated 15.12.1992, copy of which has been annexed as annexure A-3, this move for mutual exchange of official quarters was given official approval. Consequent to which, they actually exchanged their quarters on 16.12.1992 and thereby the applicant became the allottee occupant of quarter no. 704 and Smt. M.D. Arya became the allottee occupant of quarter no. 616. Vide impugned order dated 12.1.1993, they were informed that this arrangement of exchange of quarter has been disapproved by the department and the previous allotment orders, according to which they were occupant at that time, was cancelled. Against that order, the applicant has come up before the Tribunal.

2. The respondents have contested the

case and filed their counter-affidavit mainly ~~asserting~~ ^{assailing} the applicant's case on the ground that Chief Medical Officer was not the authority competent to pass this order for mutual exchange and as per allotment committee's decision, the quarter no. 704 was allotted to Smt. Shakuntala Masih to take effect after retirement of its occupant Smt. M.D. Arya.

3. Heard, the arguments of the rival contesting parties and perused the record.

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4. It is not in dispute that at present Shri Paras Nath-the applicant is occupant of quarter no. 704 and is continuing his occupancy for more than last 8 years and now it will not be proper to disturb and dislodge him by giving effect to impugned order, particularly in view of the fact that the applicant - Paras Nath occupied the quarter in question under authority from the then Chief Medical Officer of the Station.

5. With the above observation, the O.A. is allowed and obviously the impugned order dated 12.1.1993, which is annexure A-6 to the O.A., stands quashed. No order as to costs.

Member (J)

/M.M./