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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Allahabad this the 21st day of March 1995.

Original Application no. 1857 of 1994.

Hon'ble Mr. S. Dayal, Administrative Member.

Mohraman Singh, s/o Shri Daya Ram, R/o 140 B out house Northern Railway Indter College, working as Lab Attendent, in the aforesaid college, Tundla.

... Applicant.

C/A Shri P.K. Kashyap.

Versus

- i. Union of India through General Manager, N. Rly Baroda House, New Delhi.
- ii. Divisional Railway Manager Northern Railway Allahabad.
- iii. Principal Northern Railway Inter College Tundla.

... Respondents.

C/R ...

ORDER

Hon'ble Mr. S. Dayal, Member-A

This is an application under section 19

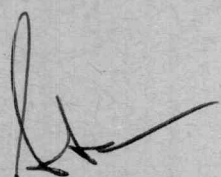
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of the Administrative Tribunal Act, 1985. The applicant through this application seeks the relief of issuance of writ of mandamus directing the respondents to consider the representation of the petitioner dated 12/10/94 sympathetically and to decide the same after giving a personal hearing to the petitioner.

2. The facts narrated in the application are that the applicant is a Lab Attendant at Northern Railway, Tundla. He sought the direction for restraining ^{the} respondents from evicting him from accomodation in dispute till the representation dated 20.04.91 was not disposed off. Annexure A-2 which is the copy of the Judgement given at admission stage in OA no. 526 of 1991 delivered on 30.05.91 which shows that the applicant was allowed the residential quarter no. 'B' but as there was no window and door at court yard in the quarter no. 'B', the applicant was allotted the court yard of quarter no. 'C'. Later on, the petitioner was asked to vacate the court yard of quarter no. 'C' against which he had gone to the Tribunal and the Tribunal gave the direction to the Railway Administration to decide the representation of the petitioner and not to evict him from accomodation allotted to him *till that was done.*



3. The applicant has now approached the Tribunal not on account of any action of the railway

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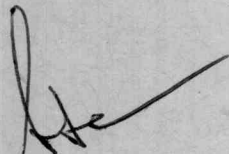
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authority in asking him to vacate the court yard but because quarter no. 'C' has now been allotted to Shri Babu Lal, safai wala who has allegedly threatened the petitioner to vacate the premises or get killed. The applicant also alleged that Shri Babu Lal, safai wala was in collusion with the local railway authorities and that is why his representation for protection of his own as well as his family members' life had not been given any attention nor his request for transfer to some other college because of danger to his life is being considered.

4. Shri P.K. Kashyap counsel for the applicant, was heard. He reiterated the point already made out in the application.

5. On consideration of the point made in the application, we find that the suggestion of the applicant that there is ~~no~~ violation of the direction given by the Tribunal in O.A. no. 526/91 has taken place is not at all established. The petitioner has not filed his application on account of any action of the employer in contravention of the direction given in the O.A. no. 526/91.

6. The applicant has approached this Tribunal against the allotment of the quarter no. 'C' to



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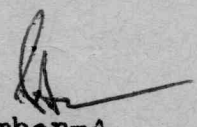
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Shri Babu Lal Safai wala by the railways, on account of his personal dispute with Shri Babu Lal safai wala, and apprehension of danger to life from him and non consideration of his request by the railway authority.

7. As far the allotment of the quarter, the railway authority were free to allote the quarter no. 'C' to any employee and the applicant can not have any grouse against such allotment. As far as the personal dispute with, Shri Babu Lal safai wala, is concerned Annexure A-1 shows that the applicant has approached the right forum which is the DRM, Allahabad, for appropriate relief. He has also approached the Senior Superintendent of Police, Firozabad for protection of his own safty as well as the safty of his family members. Regarding the question of transfer he has made a request to the DRM, Allahabad, (Annexure A-1). The applicant has neither claimed nor says that there is any right which accrues to him for a request transfer. He has made out the case for sympthetic consideration of his employer which is well no dought be given to. There is no case for intervention by us in the matters brought before us by the applicant.

8. Therefore, the application is found to be misconceived and dismissed. There shall be no order as to costs.


Member-A

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