

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.1623 of 2003.

Allahabad this the 19th day of January 2004.

Hon'ble Mrs. Meera Chhibber, Member-J.

Binod Kumar Paswan
S/o Jugul Paswan
R/o 357 E.F. New Central Colony
Mughalsarai District Chandauli.

.....Applicant.

(By Advocate : Sri S.K. Day)

Versus.

1. Union of India
through the General Manager,
East Central Rly. Hajipur
Bihar.
2. The Divisional Rly Manager
E.C. Rly. Mughalsarai,
District Chandauli.

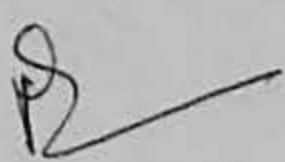
.....Respondents.

(By Advocate : Sri K.P. Singh)

D_R_D_E_R

By this Original Application, applicant has sought
the following reliefs:-

- (i) that this Hon'ble Court may be pleased to direct the respondents to transfer the allotment of quarter No.357 E.F. in favour of the applicant after regularisation on payment of normal rent or to allot any other quarter of eligible type to him.
- (ii) Any other relief or reliefs to which he is entitled may also be awarded."



2. It is submitted by the applicant that he was posted as Deputy Station Superintendent E.C. Railway, Mughalsarai on 31.10.2002 and he has been living in the quarter No.357 first floor New Central Colony along with his father, as the same was allotted in favour of his father. It is further submitted by the applicant that his father had retired as M.C.M. w.e.f. 01.12.1997 but thereafter even though he has made a request for allotting the same quarter in his favour on out of turn basis (Pg.13) whereby ^{his} ~~which~~ application was duly forwarded by the Senior Divisional Operative Manager, E.C. Railway, Mughalsarai on 11.11.2002 for sympathetic consideration but till date no reply has been given to him. He has, thus, submitted that he has no other option but to file the present O.A.

3. Counsel for the respondents was seeking time to file reply and he submitted that nobody can claim a particular house on out of turn basis as a matter of right. In any case, since he was not aware about the full facts, he may be given time to file the reply.

4. Since grievance of the applicant in this case is that till date applicant has not even been given reply by the respondents, I think, it would be better at the first instance, this case is considered by the competent authority as they alone have all the facts before them and have to decide the matter at the first instance. Therefore, without going into the merits of the case, this O.A. is disposed off by giving direction to the respondent No.2 to apply his ⁱⁿ mind to the application given by the applicant and all other facts which may be relevant for this purpose and to pass a detailed and reasoned order thereon within a period of



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2 months from the date of receipt of a copy of this order under intimation to the applicant.

5. With the above direction, this O.A. is disposed off at the admission stage itself with no order as to costs.



Member (J)

shukla/-