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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 160 of 1987 ~~XXX~~
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DATE OF DECISION 05-08-1988

Shri M. S. Sharma & Mr. J. P. Kadri Petitioner

Shri D. J. Pandya Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri R. M. Vin Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. H. Trivedi : Vice Chairman

The Hon'ble Mr. :

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal.

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OA/160/87

5-8-1988

Per : Hon'ble Mr. P.H. Trivedi : Vice Chairman.

In this case the petitioner has challenged the order dated 1-12-1986 making the allotment of railway quarters T/79/B to respondent No.4. His case is that this is an earmarked quarter for Dy. Station Superintendent and it was vacated on 13-6-86. The Housing Committee was not called for five months and it was then allotted to respondent No.4 when Mr. M.M. Desai, Dy. Station Superintendent, Udhana should have been given that quarter and the list of employees who have registered their claim does not include respondent No.4 for this quarter. He has stated that applicant No.2 being in territorial army was eligible for out of turn allotment but, was given a smaller quarter than his entitlement and the impugned order in effect makes out of turn allotment for respondent No.4 for which he has no claim. The order deprives applicant No.1 of his right when he has noted his name on 30-10-1980 while respondent No.4 has noted his name in 1983.

2. The rules for allotment of occupation of railway quarter which are in the nature of instructions and not statutory rules have a statement in which in the traffic department Assistant and Dy. Station Master are clubbed together in Sl. No.3 showing categories of essential staff for the purpose of allotment of quarters. The respondent states that the said quarter is, therefore, one for which both Deputy and Asstt. Station Master are eligible. Respondent No.4, therefore, is eligible for the quarter.

3. The respondent also challenges that the Housing Committee has met after much delay and has stated that on six different dates from June to November, 1986 Housing Committee meetings were called.

4. The respondent has stated that Shri M.M.Desai has not noted his name for allotment of railway quarter while he is working at Udhana Station.

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5. Respondent No.4 had been given a quarter T/3/C against his name noting at Loco Shed, Udhana and railway quarter T/3/C is given to him noting the date of exchange dated 11-1-1986.
6. The explanation for respondent No.4 not being shown in the noting list of traffic department is because the Type-I quarter was allotted to him in the name noting list of the Loco department.
7. Applicant No.2 was allotted Type-I railway quarter according to the respondents on out of turn basis on 11-12-1985 due to the recommendation from D.S.O. (E.B.C.T.).
8. Applicant No.2 and respondent No.4 gave their application for Type-II on 27-2-1986 & 11-1-1986 respectively and, therefore, respondent No.4 is treated as having been a prior applicant. The Housing Committee meeting decided that the quarter should be allotted the respondent No.4 as no regular Dy.S.S. was posted and the incumbent would be asked to shift the quarter falling vacant as and when a regular Dy.S.S. is posted. We do not find anything irregular in such an order.
9. The procedure for allotment of the quarter and the method of registration has been indicated in the rules. The categories of essential and non-essential staff has also been made out in the rules and separate registers are required to be maintained.
10. We do not find that the applicant has made out his case satisfactorily to show that any rule has been violated and there has been any irregularity in the orders of the allotment made. There is no justification for interfering with the respondent's impugned order.
11. In the result we do not find any merit in the petition. There shall be no order as to costs.


(P. H. Trivedi)
Vice Chairman