

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No.  
~~XFA XNOX~~

242 of 1993.

DATE OF DECISION 28th March, 1995.

Shri Mafatlal S. Fitter Petitioner

Shri Y.V. Shah Advocate for the Petitioner(s)

Versus

Union of India and others. Respondent

Shri Anil S. Kothari Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. V. Radhakrishnan : Member (A)

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 ?

Mafatlal S.Fitter,  
Carriage and Wagon  
Department of Western Railway,  
At Godhra,  
C/o.J.K.Ved,  
Hon.Secretary,  
General Workman's Union,  
A Registered Trade Union,  
GL.Rly.Colony,  
AT : GODHRA - 389 001.

...Applicant.

(Advocate : Mr.Y.V.Shah)

Versus

1. Union of India, represented by  
the Divisional Railway Manager,  
Western Railway Yard,  
Pratapnagar,  
PO : Vadodara - 390 004.
2. Assistant Engineer(Civil),  
Western Railway,  
Down Yard,  
Railway Colony,  
PO. Godhra -389 001.
3. Carriage and Wagon Superintendent,  
Godhra Rly.Station,  
Nr.Old Loco Shed,  
PO : Godhra - 389 001.
4. Vasantbhai B.Vadaya,  
Fitter Gr.II, C & W Dept.,  
Rg.o.402/L/D.-Godhra.

...Respondents.


(Advocate : Mr.Anil S.Kothari)

J U D G M E N T

O.A.NO. 242 OF 1993.

Date: 28/3/1995.

Per : Hon'ble Mr.V.Radhakrishnan : Member(A)

 Heard Mr.Y.V.Shah and Mr.Anil S.Kothari  
learned advocates for the applicant and the respondents  
respectively.

2. The employee, a Fitter in Carriage and Wagon Department of the respondents at Godhra has filed this application for ventilating his grievance in not being allotted a quarter on out of turn basis ; firstly, on the basis of reservation to Ex-Territorial Army Personnel, and further he has questioned the allotment of Type-II quarter to one Mr.Vasant B. who was made respondent subsequently. The applicant states that this allotment was made without official sanction in the Housing allotment meeting by allotment of Type-II quarter to respondent no.4, the applicant has been deprived of his getting that quarter. Accordingly, he has prayed for the following reliefs :

- (1) The Respondents be directed to allot the Rly.quarter No.402/L(D) (Type-II) to the applicant.
- (2) Any allotment of Rly.quarter No. 402/L(D) (Type-II) made to the said Vasant B. or allotted in any other name be directed to cancelled, and suitable directions in this regard be given to respondents.
- (3) Respondents or Respondent no.3 be saddled with costs of this application.


3. The respondents have filed reply. They have stated that the applicant's name is placed at second place in the Register of allotment maintained by the respondent no.3. They have stated that the applicant could not be allotted under Territorial Army Quota as already more than required persons have been allotted quarter under that category. They have also stated the change of quarters can be done by the officials and need not be referred to Housing Committee.

bl

: 4 :

More over the applicant has not exhausted a remedy available to him departmentally. The applicant further filed M.A. enclosing a pay slip of one Louis J, stating that the allotment order issued by the respondents dated 20.3.1993, in favour of Vasant B, is a fake as the person Louis J, is occupying that quarter at that time. In reply to that M.A. the respondents have stated that the quarter was vacated by Louis on 20.2.1993 and subsequently it was allotted to Vasant B., and the rent recovery shown was wrongly given by the computer in respect of pay slip of former. The respondents have also filed circulars regarding allotment of Railway quarters and also the minutes of the Housing Committee held on 20.5.1993.


4. During the arguments Mr.Y.V.Shah learned counsel for the applicant vehemently contended that the only Housing Committee has got authority to allot or give change in quarters and from the letter written by the Assistant Engineer, Godhra, Annexure-A/3, that no quarter was allotted to any staff of Carriage and Wagon Department in the meeting of the Housing Committee held on 16.3.1993. Hence, he contended the allotment of the change of quarter to respondent no.4 by any authority other than the Housing Committee was illegal and should be struck down. He was also of the view that the allotment should be made by unanimous resolution of the Housing Committee. It has not been produced by the respondents. In so far as the question of



Register of quarters produced by the respondents, he was of the view that they were cooked up after the issue of the orders of this Bench on 8.7.1993.

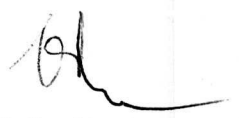
Therefore, he alleged the allotment of change of quarter to respondent no.4 was malafide and should be struck down.

5. Mr. Anil S. Kothari, learned counsel for the respondents, pointed out that the quota for allotment to Territorial Army Personnel was already exhausted and the applicant could not be given any quarter for Ex-Territorial Army quota. He also referred to the document R/2 produced by the respondents <sup>in</sup> reply to the M.A. filed by the applicant regarding procedure to be followed for allotment of quarters or change in quarters. He also referred to document R/3 which is a copy of the minutes of the Housing Committee held in the Assistant Engineer Office, Godhra on 20.3.1993, he also produced a relevant file of the department. According to him, the Type-II quarter was allotted to respondent no.4, as per discussion held on 16.3.1993 in the Housing Committee. He has also produced the Register of allotment maintained and he pointed out that all the members of the Housing Committee including the two union Representatives have signed the Register. Hence, he contended the allotment of Type-II quarter to respondent no.4 was in order.



6. We have heard both the counsels and gone through the documents produced. It may be pointed out that the question of malafide in the allotment, respondent no.4 was not raised in the application made but was alleged by the learned counsel for the applicant during oral arguments. However, he has not been able to establish any malafide in the allotment of quarter to respondent no.4. Neither he has given any reason as to why the applicant should be considered for out of turn allotment. He could not claim out of turn allotment in any case as a matter of right. If he has got any compelling reasons it is open to him to give an application to the respondents within 15 days giving full justification which the respondents no.2 and 3 shall consider on merits, within a period of eight weeks from the date of receipt of the representation. We see no reason to quash the allotment made to respondent no.4. However, it may be incidentally pointed out that there is a contradiction in the respondents' reply as in one place they say that change of quarter can be given by subordinate officer and in another they say that the Housing Committee had approved the allotment of change of quarter to Respondent No.4.

With above observations the O.A. is disposed of. No order as to costs.

  
(V. Radhakrishnan)  
Member (A)

3

copies

current

29/3/25

96.5-07D

new

29.3.25

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

Application No. 04/242/93 of  
Transfer Application No. \_\_\_\_\_ of

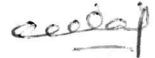
CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided).

Dated : 13.05.95

Countersign :

  
16-5-95  
Section Officer.

  
Signature of the Dealing  
Assistant

INDEX - SHEET

041242193

Mr. Nathaniel S.

W. O. 1. 2) 0.00.

[illegible]