

5

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK

Original Application No. 92 of 1995

Cuttack this the 15th day of Sept. 1995

M.M. Sethy ... Applicant(s)

Versus

Union of India & Others ... Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No.
2. Whether it be circulated to all the Benches of the No. Central Administrative Tribunals or not ?


(H. RAJENDRA PRASAD)

MEMBER (ADMINISTRATIVE)

15 SEP 95

6

10

CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 92 of 1995

Cuttack this the 15th day of Sept. 1995

C O R A M:

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN):

...

Mandamohan Sethy, aged about 30 years,
S/o. Late Bai Sethy, Pharmacist Grade-II,
Talcher Health Unit, S.E. Railway,
At/PO: Talcher Rly Station, Dist: Angul

... Applicant

By the Advocate: M/s. Y. Mohanty
P.C. Biswal
B.N. Mohanty-2

Versus

1. Union of India, represented through the General Manager, S.E. Railway, Garden Reach, Calcutta-43
2. Divisional Railway Manager, S.E. Railway, Khurda Road, At/PO: Jatani, Dist: Khurda
3. Divisional Personal Officer, S.E. Railway, Khurda Road, At/PO: Jatani, Dist: Khurda
4. Divisional Medical Officer, Chairman Station Quarter Committee, S.E. Railway, At/PO: Talcher Railway Station, Dist: Angul
5. A. Thankappan, S/o. Late S. Achyuthanadar working as Driver Loco, Talcher S.E. Railway, At/PO: Talcher Railway Station, District: Angul

...

Respondents

By the Advocate: Mr. Ashok Mohanty
Mr. H. P. Rath

...

O R D E R

MR. H. RAJENDRA PRASAD, MEMBER (ADMN): The applicant, Shri M.M. Sethi,

Pharmacist, Talcher Health Unit, had been allotted a Type-I quarter. Respondent 5, A.Thankappan, Loco Driver, was allotted a Type-II quarter. The quarters allotted to these two officials were held, respectively, in medical and mechanical pools. On 19.10.1994, these two officials submitted an application to the Chairman of the local Quartering Committee requesting for permission to mutually exchange the said quarters. The same was permitted by the Chairman by an endorsement on the body of the application.

2. On 7.1.1995, Thankappan complained to the Government Railway Police, Talcher, that the applicant, M.M.Sethi, had forcibly occupied his quarters and was thereby causing inconvenience to him. Earlier, on 5.10.1994, the D.R.M.(P) Khurda Road, had stayed the mutual exchange of quarters between the officials as the same was not permitted by rules. The D.R.M.(Mechanical) also subsequently intimated the Chairman of the Quartering Committee that such mutual exchange of quarters of different types in different pools was not permissible. On 26.12.1994, the Sr.Divisional Mechanical Engineer asked the Sr.D.M.O. and Chairman of the Quartering Committee to get the quarter vacated by Shri Sethi. Upon this, on 3.1.1995, the latter asked the applicant to vacate the quarter allotted to Thankappan but occupied by him. It is seen that at some stage the Railway Workers' Union had also objected to this irregular exchange of quarters between two pools.



3. The applicant continues to be in the occupation of the said quarters and prays for the quashing of orders disallowing the mutual exchange of quarters between himself and Respondent 5.

4. The manner in which the willingness of Shri Thankappan for mutual exchange of quarters was obtained seems to have been questionable. Respondent Thankappan has made certain serious charges in this regard not only to his **departmental** superiors but to the railway police as well. These allegations have not been countered by the applicant.

5. The quarters **which** have been mutually exchanged are said to be of different types. They are also in different pools. The rules of allotment of quarters in the railways do not permit such mutual exchange. The approval initially given by the Chairman of the Quartering Committee was without jurisdiction and did not follow any regulation. The approval seems to have been accorded hastily and without consulting the other members of the Quartering Committee.

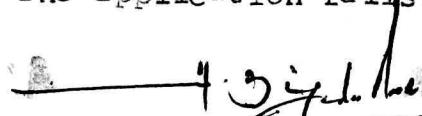
6. The action taken by the Divisional Railway Manager, Sr. Divisional Mechanical Engineer and Sr. Divisional Personnel Officer are in accordance with the rules. Inasmuch as no approval was obtained from the competent authority, i.e. the D.R.M., in this matter, the approval initially given by the Chairman of the Quartering Committee was ab initio flawed and cannot be taken cognizance of. It was rightly countermanded by the

T. S. J. A. M. S.

competent authority.

7. The mutual exchange of quarters has been done in a seemingly surreptitious and irregular manner and also possibly in questionable circumstances. Such exchange is not envisaged by any rule and is likely to dislocate the apportionment of quarters between the medical and mechanical wings.

The reliefs claimed by the applicant are therefore inadmissible. The application fails. No costs.


(H. RAJENDRA PRASAD)

MEMBER (ADMINISTRATIVE)

15 SEP 95

B.K.Sahoo//