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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 491 OF 2000
Cuttack, this the 18th day of June, 2001

K.Vijayan Applicant

Vrs.

Deputy Chief Engineer, Construction
Department and another Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? Yes ,
2. Whether it be circulated to all the Benches of the
Central Administrative Tribunal or not? No .

(G.NARASIMHAM)
MEMBER(JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
18.6.2001

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ORIGINAL APPLICATION NO. 491 OF 2000
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CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....

K.Vijayan, son of K.Nanoo, Skilled Grade-II in the office
of Section Engineer, Works Construction
Department, Cuttack

.....

APPLICANT
Advocates for applicant - M/s P.K.Kar
D.K.Rath

Vrs.

1. Deputy Chief Engineer, Construction Department, South Eastern Railway, At/PO-Chandrasekharpur, Bhubaneswar, District-Khurda.
2. Sri D.Simachalam, P.C.R.K.G., working in the office of Deputy Chief Engineer, Construction, Cuttack, At/PO/District-Cuttack

.....Respondents

Advocates for respondents - M/s D.N.Misra
S.K.Panda

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

J. Som

In this O.A. the petitioner has prayed for a direction to the Deputy Chief Engineer, Construction, S.E.Railway, Chandrasekharpur (respondent no.1) to allot Quarters Type 1 No.CPC/8/2 at Cuttack in favour of the applicant. The second prayer is for a direction not to hand over the quarters to D.Simachalam (respondent no.2) pending disposal of the O.A. The departmental respondent has filed counter opposing the prayers of the applicant. Notice to private respondent no.2 has come back with endorsement of the Postal Department that he has refused

to receive the notice.

2. The case of the applicant is that he initially joined as Khalasi in 1966 and was regularised/confirmed with effect from 1.4.1973. He was subsequently promoted to Skilled Grade-III Painter on ad hoc basis from 6.6.1983 and presumably on regular basis in order dated 29.1.1992. The applicant has stated that his wife is suffering from headache and she was residing at her native village in Kerala which is more than 2000 KMs away from his place of posting at Cuttack. He has school going and college going children. The applicant had applied for allotment of quarters in his favour on 28.8.2000 as the quarter is very much necessary for his wife's treatment. He filed a further representation for allotment of the specific quarter referred to above which was under occupation of one Ramjeet Singh, Driver, who was due to retire and vacate the quarter after 4/5 ^{months} ~~days~~. The applicant has stated that he is seniormost employee in the Construction Department, and on that ground the quarter should have been allotted to him, but the quarter has been allotted to respondent no.2 on 19.6.2000. It is stated that respondent no.2 is a junior employee. On the above grounds the applicant has come up with the prayers referred to earlier.

3. It is not necessary to record the detailed averments made by the departmental respondent in his counter because these will be referred to while considering the submissions made by the learned counsel of both sides.

4. We have heard Shri P.K.Kar, the learned counsel for the petitioner and Shri D.N.Mishra, the

learned Standing Counsel (Railways) for the departmental respondent and have perused the record.

5. Respondent no.1 has stated that this has not been denied by the applicant by filing any rejoinder that the applicant had kept his family in Kerala at his native place for last 28 years. It has been stated that the applicant had earlier never applied for any quarters. His application dated 12.2.2000 at Annexure-2 for allotment of the particular quarter was received in the office of respondent no.1 only on 24.7.2000 after five months. This has also not been denied by the applicant. The departmental respondent has pointed out that the present Type-I quarter is meant for Class-IV staff only. Respondent no.1 has enclosed the Railway Board's circular dated 10.1.2000 (Annexure-R/1) indicating the entitlement of different categories of staff for quarters. From this circular it appears that Type-I quarters are meant for Group-D staff whereas the applicant belongs to Group-C. In view of the above, prima facie the applicant has no claim to get the specific quarter which belongs to Type-I category and primarily meant for Group-D staff. Accordingly, the quarter has also been allotted to respondent no.2 who belongs to Group-D category.

6. It has been submitted by Shri P.K.Kar, the learned counsel for the petitioner that even though as a Group-C staff the applicant is entitled to Type-II quarters, there are not enough Type-II quarters and several Group-C staff have been allotted and are occupying Type-I quarters and therefore the case of the applicant for allotment of Type-I quarter should not have

been ignored. This fact that several Group-C officials are occupying Type-I quarters, on such quarters having been allotted to them, has not been mentioned by the applicant in his O.A. Even if it is taken to be correct, the applicant does not have a right to claim a Type-I quarter, which is meant for lower category staff. The applicant has stated that he is the seniormost employee and respondent, the allottee of that particular quarter is a much junior person. In allotment of quarters, besides seniority, the date of application for allotment of quarters has also to be noted. The quarter in question admittedly was allotted to respondent no.2 on 19.6.2000 and the application of the petitioner for allotment of that quarter, which is at Annexure-2, has been received by respondent no.1 only on 24.7.2000.

7. In consideration of all the above, we hold that the applicant is not entitled to the reliefs claimed by him in this OA which is accordingly rejected. No costs.

(G.NARASIMHAM)

MEMBER(JUDICIAL)

Somnath Som
(SOMNATH SOM)
18.6.2001
VICE-CHAIRMAN

CAT/CB/18-6-2001/AN/PS