

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO. 268 OF 2009**  
CUTTACK, THIS THE ~~29~~<sup>29</sup> DAY OF March, 2010

**J. Chandrasekhar** ..... **Applicant**  
**Versus**  
**Union of India & Ors.** ..... **Respondents**

**FOR INSTRUCTIONS**

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ?

**(C.R.MOHAPATRA)**  
**MEMBER (ADMN.)**

9

## CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 268 OF 2009  
CUTTACK, THIS THE <sup>29/</sup> DAY OF March, 2010

CORAM :

HON'BLE MR. C.R.MOHAPATRA, MEMBER(Admn.)

Sri J.Chandrasekhar, aged about 37 years, S/o-Late J.V.Kameswar Rao, working as Senior Clerk, Safety Department, East Coast Railway, Rail Vihar, Chandrasekhpur, Bhubaneswar, Dist-Khurda.

.....Applicant

Advocate(s) for the Applicant- M/s. T.K.Mishra, G.N.Mishra.

VERSUS

1. Union of India represented through General Manager, East Coast Railway, Rail Bihar, Chandrasekhpur, Bhubaneswar, Dist. Khurda.
2. Chairman, Zonal Quarter Committee-cum-DGM-East Coast Railway, Rail Vihar, Chandrasekhpur, Bhubaneswar.
3. Chairman Departmental Quarter Committee (Safety-cum-Deputy Chief Security Officer (Traffic), East Coast Railway, Rail Vihar, Chandrasekhpur, Bhubaneswar.
4. Chief Safety Officer, East Coast Railway, Rail Vihar, Chandrasekhpur, Bhubaneswar.
5. Sri R.R.Mishra SC(MP), Safety Department, East Coast Railway, Rail Vihar, Chandrasekhpur, Bhubaneswar.

..... Respondents

Advocates for the Respondents – Mr. P.C.Panda (For R-1 to 4),  
M/s. B.K.Raj, B.R.Mohanty (For R-5)

.....  
L

ORDER

HON'BLE MR.C.R.MOHAPATRA, MEMBER(A):

Applicant is the Senior Clerk working in the Safety Department of East Coast Railways, Rail Vihar, Chandrasekharpur, Bhubaneswar. His grievance is that the Quarter No. D/20-G (Type-IV) has been allotted to Respondent No.5 whereas the same should have been allotted to him. Being aggrieved, he has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking following reliefs:

“(i).....to set aside the order dated 23.06.2009 under Annexure-A/7 passed by the Respondent No.3.

(ii).....to direct the respondent to allot the quarters bearing quarter No. D/20-G or any other D-Type quarter available under the respondents..”

2. The contention of the applicant is that he is a Group-C Ministerial staff drawing a scale of pay of Rs. 4500-7000/- and because of this scale of pay he is entitled to Type-III Railway quarters as per Master Circular No.49. He submits that though he has been getting salary in the above scale he has been debarred to get Railway quarters and has been accommodated

in a private house taken on lease by the Railways. According to him, as per policy, out of 300 D Type quarters (Type IV), 200 quarters will be allotted to staff above the scale of pay of Rs. 4500-7000/- and 100 quarters will be allotted to supervisory staff in the scale of pay of Rs. 6500-10500/- and above. He further submits that in the meeting of the High Level Quarter Committee held on 09.07.2001, it was decided that class-III staff with basic pay of Rs. 4000/- above shall be considered for D Type quarters (Second floor only) subject to availability and station seniority. He claims to be senior in the station having joined on 25.08.2003 whereas Respondent No.5 joined on 02.12.2003. The Applicant further submits that out of 7 quarters apportioned to safety pool, 5 quarters are of D Type and 2 quarters are of Type-II. While one D Type quarters, i.e. D/20-G is vacant and as there was no Type III quarters available under the safety department, he was entitled to the vacant D Type quarters, i.e. D/20-G, which has been allowed to Respondent No.5.

3. By filing counter, Respondents have opposed the contentions and the prayer of the applicant and have sought dismissal of the O.A. Respondent No.5 has also filed a separate counter.

4. It has been brought out in the counter filed by the Official Respondents that the applicant is entitled for Type III quarters and not a Type IV (D Type) quarters as he is in the scale of Rs. 4500-7000/- Due to non-availability of Type III quarters, he is provided with leased accommodation from 1.11.2003, the rent of which has been paid by the Railways. It is further pointed out in the counter that the seniority of the applicant for allotment of quarters will be counted from 25.1.2006 in view of the policy circular dated 13.07.2007. Since the applicant is a ministerial staff, he is treated as non-essential staff. It is further contended by the Respondents that the two documents relied upon by the applicant under Annexure-A/2, being contrary to the Master Circular, cannot be relied upon. Hence, the applicant has no case for allotment of the Type IV quarters, which is in occupation of Respondent No.5. Hence, the O.A. needs to be dismissed.

5. Heard Mr. T.K.Mishra, Ld. Counsel for the applicant, Mr. P.C.Panda, Ld. Counsel for the Railways and Mr. B.K.Raj, Ld. Counsel appearing for Respondent No.5 (the Private Respondent) at length and perused the materials placed on record.

6. There is no doubt that the applicant is entitled only to Type III quarters keeping in view the scale of pay. As per the Railway Board Circular, he is not entitled to any Type IV (D Type) quarters. He is only a ministerial staff (Group-C) and by no stretch of imagination he can be treated as an essential staff under the safety department. Station seniority alone cannot entitle him to jump and get an accommodation out of turn to which he is not entitled. The quarter, in question, i.e. D/20-G, being a Type IV quarters, has to be given to an employee who is entitled to the same. I find no wrong committed in the decision of the Respondents for allotment of that quarter to the Respondent No. 5.

7. In view of the above observations, the O.A. being devoid of any merit is dismissed. No costs.

  
(C.R.MOHAPATRA)  
MEMBER (ADMN.)

RK