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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 01.10.1999

O.A. No. 330/98

Laxminarayan son of Shri Kishori Lal aged about 44 years, resident of Bungalow No. L-35, Railway Colony, Abu Road, at present employed on the post of Chief Loco Inspector (Fuel) in the office of Diesel Shed, Abu Road, Western Railway.

... Applicant.

v e r s u s

1. Union of India through General Manager, Western Railway, Church Gate, Mumbai.
2. Divisional Railway Manager, Western Railway, Ajmer Division, Ajmer.
3. Senior Divisional Mechanical Engineer (DL)-Cum-Chairman, Housing Committee, Abu Road, Western Railway.

... Respondents.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. R.K. Soni, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

O R D E R

(Per Hon'ble Mr. Gopal Singh)

Applicant, Laxminarayan, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for setting aside the impugned order dated 2.12.98 (Annexure A/1) so far it relates to allotment of Railway Quarter Nos. L-166, Type IV, to the applicant and L-35 to one Shri P.C. Gupta and for a direction to the respondents to allow the applicant to continue to stay in Railway Quarter No. L-35 till he remains posted at Abu Road.

Gopal Singh



2. Applicant's case is that he was initially appointed with the respondent-department as Electrical Fitter on 22.2.1975 in Western Railway and in due course, he earned further promotion and became Loco Foreman vide letter dated 15.3.93 (Annexure A/2) and he has been posted to the post of Chief Loco Inspector (Fuel) vide letter dated 22.7.98 (Annexure A/3). As Loco Foreman, the applicant was entitled for earmarked accommodation and was accordingly allotted the quarter No. L-35. On his promotion to the post of Chief Loco Inspector (Fuel) and posting at the same station, i.e., Abu Road, the applicant has been occupying the same quarter No. L-35. The respondents have allotted this quarter to one Shri P.C. Gupta and the applicant has been allotted another quarter No. L-166 in the same colony at Abu Road. The contention of the applicant is that the Loco Foremen posted earlier in Abu Road have been allotted earmarked quarter L-35 and had continued to occupy the same quarter on their promotion to the post of Chief Loco Inspector (Fuel) at Abu Road and, therefore, he has prayed that he may also be allowed to continue in the same quarter, i.e., L-35.



3. Notices were issued to the respondents and they have filed the reply. It is the contention of the respondents that the quarter No. L/35 is earmarked for Loco Foreman and on his promotion to the post of Chief Loco Inspector (Fuel), the applicant is no longer ~~xxx~~ entitled to that earmarked quarter. Moreover, one Mr. P.C. Gupta has been posted as Loco Foreman at Abu Road and he has been allotted quarter No. L-35 and, therefore, the applicant was allotted another quarter No. L-166. As such, the quarter No. L-35 presently occupied by the applicant has to ^{be} vacated for Mr. PC. Gupta. The respondents have also produced before us a Register showing the staff quarters as on 31.3.68 wherein it has been indicated that the quarter No. L/35 has been allotted to Loco Department for Loco Foreman. They have also submitted a letter dated 23.12.93 (Annexure R/2) from the Divisional Office, Ajmer, indicating various posts, who are entitled to earmarked accommodation.

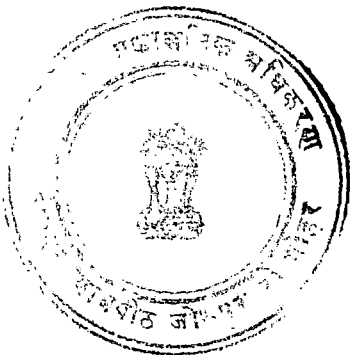
4. We have heard the learned counsel for the parties and perused the records of the case.

5. The letter dated 23.12.93 (Annexure R/2) only indicates the categories of staff, who are entitled to earmarked accommodation.

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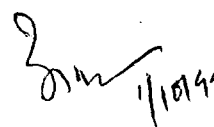
It does not indicate various quarter numbers earmarked for these categories of staff. The Register showing that the quarter No. L/35 is belonging to Loco Department for allotting to the Loco Foreman, indicates the position as on 31.3.1968. During the intervening period of 30 years many changes would have occurred in earmarking quarters at various stations. It has also been contended by the applicant that the quarter No. L-35 allotted to the Loco Foreman earlier had continued in their possession on their promotion as Chief Loco Inspector (Fuel), till their posting at Abu Road. The respondents have contradicted the statement in a general way, but have not come out very clearly as to how the Loco Foreman posted earlier on their promotion to the post of Chief Loco Inspector (Fuel) were treated in this regard. The applicant has mentioned specific names in this regard of persons who, on their promotions as Chief Loco Inspector (Fuel) had continued to use the quarter L-35. It is also admitted that quarter No. L-35 and the quarter No. L-166 are both type IV quarters. We do not see any justification for shifting a person from one to another quarter of the same type in the same colony on his continued posting at the same station simply on the ground that the person has been promoted to the post of Chief Loco Inspector (Fuel). The quarter No. L-166 being the same type as quarter No. L-35, can be allotted to another officer of the entitled category. We are firmly of the view that once the applicant has settled down in one quarter, he should not be required to shift to another similar type of quarter, unless ofcourse on his own request.



6. In the circumstances, we allow this application with a direction to the respondents that the letter dated 2.12.98 (Annexure A/1) is set aside so far it relates to allotment of Railway quarter Nos. L-166, Type IV, to the applicant and L-35 to one Shri P.C. Gupta. The applicant will be allowed to continue in quarter No. L-35 till he is transferred out of Abu Road.

7. Parties are left to bear their own costs.


(GOPAL SINGH)
Adm. Member


(A.K. MISRA)
Judl. Member

cvr.