

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.O.A.627 of 1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

ARUNA GHOSH

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. B.C. Sinha, counsel

For the respondents : Mr. S. Chowdhury, counsel

Heard on : 5.5.99

Order on : 5.5.99

O R D E R

One Smt. Aruna Ghosh, Assistant Teacher Gr.II in the MHS/NS, Kharagpur, S.E. Railway, has filed this application for direction upon the respondents to allot a railway quarter in favour of her as per rules. According to the applicant, she has been transferred from Chakradharpur to Kharagpur as Assistant Teacher Gr.II on 8.11.94. The said post of Assistant Teacher is treated as essential staff and the applicant is required to attend school daily much before the scheduled school hours and therefore, stay beyond school hours and she is entitled to get railway accommodation in order to discharge her duties properly and satisfactorily. She applied for quarter, but the respondents have not allotted her any quarter till date. Hence the applicant approached this Tribunal seeking relief in this regard.

2. Respondents filed written reply denying the claim of the applicant. In the reply it is stated that all railway employees are entitled to get railway quarters as per their turn, because number of Rly. qtrs is not equal to the number of employees working in the Railway. As such every department has got its own railway qrs. in its pool and as per length of service generally quarters are allotted to the staff. It is also stated in the reply that each school has got individual pool

in respect of allotment of railway quarter. In terms of the letter dated 29.7.86, bearing No.W/17/1/A/5735 marked as Annexure R-I to the reply, total length of service rendered by railway employee should be the criteria for determining the seniority for the purpose of allotment of railway quarters to the Rly. employees. In the cases of the railway employees as mentioned in para 4.6 of the application, none has been allotted quarter violating the rules.

3. Ld. counsel Mr. B.C. Sinha appearing on behalf of the applicant submits that there is no guideline as to whether the station seniority or the service seniority is to be considered for the purpose of allotment of quarters to the railway employees. The respondents, in some cases, considered the service seniority and the station seniority <sup>in some cases</sup> ~~in the others~~ and there is discrimination in respect of allotment of quarters under the Rule.

4. Ld. counsel Mr. S. Chowdhury disputed the fact and submits that there is no infirmity in the matter of allotment of quarters and the respondents are following the instructions contained in the letter dated 29.7.86 marked as Annexure R-I to the reply.

5. I have considered the submissions made by the ld. counsel for both the parties. I find that the respondents categorically have not denied the claim of the applicant and they have not passed any order regarding this matter, till date.

6. In view of the aforesaid circumstances, the respondents are directed to treat this application as representation of the applicant and to <sup>speaking and</sup> pass/reasoned order within one month from the date of communication of this order. If the authority decides that the applicant is entitled to get quarter, that should be allotted to the applicant forthwith in accordance with the rules, if such quarters are available. If the decision of the respondents goes against the applicant, then a reasoned decision should be communicated to the applicant within 15 days from the date of taking decision in this regard. Liberty is given to the applicant to file a fresh application if he is aggrieved by this decision. Accordingly the application is disposed of.