

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 1370 of 1997

Present: Hon'ble Dr. B.C. Sarma, Administrative Member

Hon'ble Mr. D. Purakayastha, Judicial Member

Md. Majhar Asnari
S/o Late Rahim Gul,
employed as Sr. Clerk in the
Office of Electric Foreman (General) at
Bokaro Steel City, South Eastern
Railway, District-Bokaro

... Applicant

VS

1. Union of India service through
The General Manager,
South Eastern Railway,
Garden Reach
Calcutta-700 043

2. Divisional Railway Manager,
South Eastern Railway, P.O. Adra
Distt. Purulia

3. Sr. Divisional Electrical Engineer (G)
and
Chairman, Divisional Quarters Committee,
P.O. Adra, Distt. PURulia

4. Assistant Electrical Engineer (TRD)
and Chairman, Electrical Quarters Committee
at Bokaro Steel City, S.E. Railway,
Bokaro Steel City, Distt. Bokaro

5. Divisional Personnel Officer,
S.E. Railway, Adra, P.O. Adra
Distt. Purulia

6. Mr. R.N. Singh
working as Switch Board Attendant
in the office of Electrical Foreman(G)
S.E. Railway, Bokaro Steel City.
Dist. Bokaro

.... Respondents

For the Applicant : Mr. B.R. [redacted]
Mr. B.P. Manna, counsel

For the Respondents : Mr. S. Chowdhury, counsel

Heard on 12.1.1998

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Date of order: 12.1.1998

O R D E R

B.C.Sarma, AM

This application has been filed with the prayer that a direction be issued on the respondents to confirm the allotment of the quarters No.DS-11/77-D Type II occupied by the applicant and rescind, recall or withdraw the impugned order at Annexure/A2 to the application whereby that quarter has been allotted to Shri R.N. Singh.



Contd...2/-

2. Mr. Chowdhury, learned counsel appearing for the respondents submits that he has no instruction in the matter.

3. We have heard the submission of the learned counsel of both the parties and perused the records and considered the facts and circumstances of the case. We note that there is no order of allotment in favour of the applicant of the quarter mentioned above. But the fact remains that as per the report of the Assistant Engineer (TRD) dated 10.4.97, as set out in Annexure/A1 to the application the said quarter was kept under care of the applicant who is the Senior Clerk of the Railways. As a Senior Clerk of the Railways it is known that the applicant is ^{not} expected to take care of the Railway quarter. Therefore, this implied that this quarter was verbally allotted to him and with the verbal consent of somebody he had entered into the quarter and enjoyed it for the last eight months or so. Now the said quarter has been allotted by the impugned order dated 23.10.97 to said Shri R.N. Singh. Mr. Das, however, submits that the applicant does not have any choice of any particular quarter, but if Mr. Singh to which the allotment has been made now occupies the quarter, the applicant will have to live in the street. We have carefully considered the submission of Mr. Das and accordingly we are of the view that till a suitable quarter to which the applicant is given allotment by the respondent Railways, the applicant should not be evicted or asked to leave the quarter now

applicant should

occupied by him.

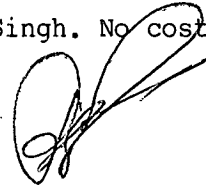
4. In view of the above the application is disposed of at the stage of admission itself with the direction that the respondents, if they so like may allot a suitable quarter to which the applicant is entitled by a suitable order and till such time the quarter is occupied by the applicant, he shall not be asked to vacate the quarter which is now allotted to Shri R.N. Singh. No costs.



(D. Purkayastha)

MEMBER (J)

12.1.1998



(B. C. Sarma)

MEMBER (A)

12.1.1998