

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 494/97

Thursday, this the 29th day of October, 1998.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

V.P.Sukumaran,
Senior Gate Keeper,
Sherthalai,
C/o Office of the Permanent Way Inspector,
Southern Railway,
Alleppey.

- Applicant

By Advocate Mr TC Govindaswamy

Vs

1. The Divisional Railway Manager,
Southern Railway,
Trivandrum Division,
Trivandrum-14.
2. The Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum-14.
3. The Secretary,
Housing Committee,
Southern Railway,
Divisional Office,
Trivandrum-14.
4. The Chief Permanent Way Inspector,
Southern Railway,
Office of the Chief Permanent Way Inspector,
Alappuzha.
5. The Chief Permanent Way Inspector,
Southern Railway,
Office of the Chief Permanent
Way Inspector,
Ernakulam Junction,
Ernakulam.
6. O.V.Ravindran,
Trolleyman,
Southern Railway,
Sherthalai
Through Junior Engineer,
Permanent Way,
Southern Railway,
Alleppey.

- Respondents

By Advocate Mr Mathews J Nedumpara(for R.1 to 5)

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The grievance of the applicant is that though he had made a request for allotment of Railway Quarter on 18.8.92 and followed it up with subsequent requests, one such being A-2 dated 12.2.94, the official respondents have not favoured him with allotment of quarter in his turn and have allotted a quarter which fell vacant to the 6th respondent who is junior to him. When the request of the applicant for allotment of quarter No.VII-A Type at SRTL was not considered, he filed O.A.949/96 which was disposed of with a direction to the Divisional Personnel Officer, Trivandrum to consider the applicant's representation and to give an appropriate speaking order. The Divisional Personnel Officer disposed of the representation of the applicant by order dated 6.2.97(A-6). The applicant was told by the order that as he was at that time working under the control of PWI/ERS under Gang No.2 TRVZ and Shertalai fell in Gang No.6, his request dated 18.8.92 for allotment at Shertalai could not be considered and was therefore not registered and that after the applicant was transferred to the charge of PWI/ALLP with effect from 1.1.94 his request dated 12.2.94 was registered at serial No.3 while the request of Shri Ravindran made on 1.2.94 was at serial No.1 and that of Shri Govindankutty at serial No.2. The applicant was also told that his case for allotment would be considered in his turn. The official respondents have allotted the quarter in question to Mr Ravindran the 6th respondent by A-5 order. The applicant has challenged these two orders. His case is that he should have been allotted a quarter on the basis of his requests made on 18.8.92.

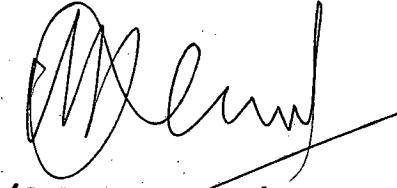
2. Though Shri Ravindran, 6th respondent served with notice, he did not appear but a reply statement on behalf of respondents 1 to 5 have been filed in which it has been contended by the

respondents that the applicant being at serial No.3 in the priority of registration for allotment of quarter under the pool of PWI, Alleppey, he has no legitimate grievance against the allotment of quarter to the 6th respondent who is at Sl.No.1 in priority of registration.

3. On a careful perusal of the pleadings and the materials available on record and on hearing the learned counsel on either side, I am of the considered view that the applicant does not have a legitimate grievance as he is entitled to be allotted a quarter only in his turn. When persons who had registered earlier than the applicant are waiting for allotment, the applicant cannot be allotted a quarter overlooking their priority of registration. If the case of the applicant that his request for registration dated 18.8.92 should have been considered and registered on 18.8.92, the applicant should have challenged the inaction on the part of the respondents in registering his claim. He did not take any step. In the impugned order A-6 it was stated that as he was at that time working in Gang No.2 under the control of PWI/ERS his request on 18.8.92 for allotment of quarter at Shertalai in Gang No.6 could not be considered. This has been reiterated in the reply statement of respondents 1 to 5. The applicant has not denied this position by filing a rejoinder. Further, it is seen that the applicant has first made his request for allotment of quarter at Shertalai to the Secretary, Housing Committee through the PWI, Alleppey after he was brought under PWI, Alleppey with effect from 1.2.94 only on 12.2.94 by A-2 letter while the 6th respondent had registered his request for allotment of quarter on 1.2.94 and Shri Govindankutty on 5.2.94. Therefore I am of the considered view that the action on the part of the respondents 1 to 5 in allotting the quarter in question to 6th respondent who figures at Sl.No.1 in the priority of registration

for allotment of quarter under the pool in question cannot be faulted. The applicant will be entitled to get allotment in his turn. The application is therefore disposed of directing the respondents 1 to 5 to allot an eligible type of quarter to the applicant in his turn. The other prayers in the O.A. are not granted. No costs.

Dated, the 29th of October, 1998.



(A.V. HARIDASAN)
VICE CHAIRMAN

trs/21198

LIST OF ANNEXURES

1. Annexure A2: A true copy of the representation submitted by the applicant to the third respondent dated 12.2.1994.
2. Annexure A5: A true copy of the Memorandum No.V/P 555/ALLP(Pilot) dated 21.2.1997 issued by the third respondent.
3. Annexure A6: A true copy of the letter No.V/P 555 ALLP dated 6.2.1997 issued by the third respondent.

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