

Central Administrative Tribunal, Lucknow Bench, Lucknow

O.A. No. 198/2006

This the 28th day of April, 2006

HON'BLE SHRI K.B.S. RAJAN, MEMBER (J)

Komal Ram (SC) son of late Barsati aged about 54 years , Chief Coaching Supervisor , Northern Railway , Station Akbarpur under the respondents and resident of Railway Quarter Number T/4/B at Northern Railway station, Faizabad.

...Applicant

By Advocate: Sri A.C. Mishra

Versus

1. The Union of India, through General Manager, Northern Railway, Headquarter Officer, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Lucknow
3. The Sr. Divisional Commercial Manager, Northern Railway Divisional Office, Lucknow.

...Respondents

By Advocate: None

ORDER (ORAL)

By Hon'ble Shri K.B. S. Rajan, Member (J)

The applicant , an SC candidate, has been functioning as Chief Coaching Supervisor and he was allotted Railway Quarter No. T/4/B at Faizabad. By order dated Nil April 2003 whereby a number of officers/officials were transferred, the applicant was posted from Faizabad to Akbarpur on administrative ground. The applicant had panned a representation dated 20..4.2003, followed by expeditors dated 12.5.2003, 10.7.2003 and 20.7.2004 initially for cancellation of the transfer order and later on with the request for retransfer of

the applicant to Faizabad or Ayodhya against next vacancy and allow him to continue residing in the Railway Quarter already allotted to him till the said quarter is allotted to any other staff.

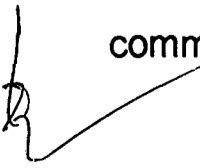
2. The above representations have not been responded to. The applicant has therefore, prayed for a provision to the respondents to enter his name in the priority register for transfer from Akbarpur to Faizabad and also for a provision to the respondents to permit him to continue residing in the said quarter No.T/4/B Faizabad till the Railway Quarter is allotted to any other staff of Faizabad. The applicant has also prayed for disposal of the representation filed by him. As an interim relief, the applicant has prayed for disposal of this O.A. at the admission stage itself by directing the respondents to decide his pending representation.

3. Learned counsel for the applicant heard and documents perused.

4. Transfer is one aspect and retention of railway quarter at a particular station is another. Of course, there is a slight inter link between two in as much as person posted outside and back again within a short period to the original place of posting and if accommodation is allotted to the individual at the old station, provision exists for retention of the accommodation even during the period when individual was posted out of station. In the instant case periodically there have been representations filed by the applicant either for cancellation of his transfer or for retransfer with the request to permit the

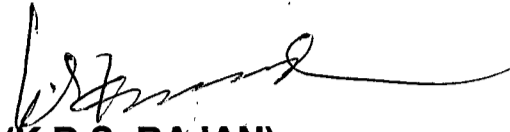
applicant to retain the accommodation at Faizabad. According to the applicant, the Railway quarter in possession of the applicant at Faizabad has not so far been allotted to any body else. As long as the applicant is in possession of the Railway accommodation, he stand to lose HRA during this period which means that much amount of expense of the railway is avoided. At the same time, since the Railway accommodation has not so far allotted the accommodation to any body else, no third party is put to difficulty by permitting the applicant to retain the said accommodation till the time said accommodation is allotted to some other party or if the authority desires to regularize the said accommodation in the name of the applicant in case he is retransferred to Faizabad. This is , however, subject to the rules providing for such a concession being extended to the applicant either without any need to relaxation of rules or otherwise. It is the prerogative of the authority concerned who may dispassionately view the matter and come to a decision. Observation made above should not be misconstrued as a direction though certainly it could be an obiter.

5. As prayed for by the counsel for the applicant, this O.A. is disposed of at the admission stage itself without calling for the comments of the respondents with a direction to the respondents to dispose of the pending representation of the applicant within a period of 2 months from the date of receipt of communication of this order. A copy of the O.A. along with a



copy of this order shall be forwarded by the applicant to the respondent.

6. O.A. is disposed of on the above terms.


(K.B.S. RAJAN)

MEMBER (J)

HLS/-