

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH: PATNA

Registration No. OA-547 of 1996

(Date of order 5.1998)

Arun Kumar Gupta, S/o Shri Sudama Prasad Gupta,
Village, P.O. & P.S. Garhnaukha, Moh: Patel Nagar,
District Rohtas, at present a Head T.T.E. at the
Danapur Railway Station under the Sr. Divisional
Commercial Manager, Eastern Railway, Danapur..... Applicant
By Advocate: Mr. R.K.Jha

Versus

1. Union of India represented through the
General Manager, Eastern Railway,
Fairlie Place, 17 Netaji Subhash Road,
Calcutta.
2. The Chief Personnel Officer (IR), Eastern Railway,
Fairlie Place, 17, Netaji Subhash Road,
Calcutta-1.
3. The Divisional Railway Manager,
Eastern Railway at and P.O. Khagaul, Danapur,
Distt. Patna.
4. The Sr. Divisional Personnel Officer,
Eastern Railway, At & P.O. Khagaul, Danapur,
District Patna.
5. Smt. Neera Ghosh, D/o Late Sri B.C. Ghosh, a
teacher, Railway Middle School, residing in
Railway Qr. No. 395-B, Eastern Colony,
At & P.O. Khagaul, Danapur..... Respondents
By Advocate: None

Coram: Hon'ble Mr. Justice V.N. Mehrotra, Vice-Chairman.

regarding the allotment of this quarter to her and so the impugned allotment order was issued in her favour by which its allotment in favour of the applicant was cancelled and the same was allotted to respondent No.5, till the time a quarter of type II ~~is~~ is available. It is asserted that the impugned order was totally unjustified and illegal and was liable to be quashed. It is asserted that the applicant should be put in occupation of the quarter which was rightly allotted to him.

2. Notices were issued to the respondents. Only the official respondents have filed written statement and no written statement has been filed in respect of respondent no.5. In the written statement the official respondents have asserted that quarter no.395-B has only been temporarily allotted to respondent no.5 solely on the ground that she is a widow and no quarter of type-II was available at that time. It is also claimed that the applicant was offered a good type-II quarter at Patna on temporary basis but he did not accept the offer. It is also mentioned that efforts are being made to allot another quarter to respondent no.5 as soon as it is available at Danapur. It is in the circumstances asserted that this OA has no merit.

3. In the rejoinder the applicant has asserted that the Type-II quarter at Patna which was offered to him was not worth living and so he did not agree to occupy the same. The applicant has further asserted that on 3.12.1997 and order has been issued by respondent no.4 by which the respondent no.5 has been allotted Type-II Quarter No.550-B but she has not even now vacated quarter No.395-B which has been allotted to the applicant. The applicant claims that the respondent No.3 and 4 should have exerted pressure to get the quarter in question vacated by the respondent no.5 at the earliest. The applicant has filed a copy of the order dated 3.12.1997 Annexure A/10

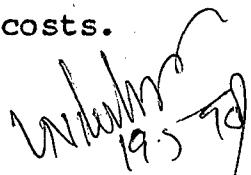
by which the allotment of Quarter No.395-B to respondent no.5 has been cancelled and she has been allotted quarter No.590-B of Type-II in its place.

4. I have heard the learned counsel for the applicant. However, the learned counsel for the official respondents was not present when the arguments were heard. As mentioned earlier the respondent no.5 has not contested this OA by filing a written statement.

5. It is obvious that the applicant was allotted Quarter No.395-B by order dated 30.1.1994 Annexure-A/1 by the Quarter Committee. That quarter was in the occupation of Shri M.C.Sinha who was to be retired from service on 30.6.1994. Shri M.C.Sinha was allowed to retain this quarter for 4 months after his retirement. Later on, the quarter allotted to the applicant was allotted to respondent No.5 on compassionate grounds as will appear from Annexure-A/3 and A/4. This allotment was on temporary basis till a type II quarter to which she was entitled was available. As will now appear from the assertions made in the rejoinder and also from the order dated 3.12.1997 Annexure-A/10, the respondent no.5 has been allotted another quarter of Type-II in place of quarter No.395-B which is of Type-III. In the circumstances it is not necessary to consider the validity of the order by which the allotment of the quarter to the applicant was cancelled and the same was allotted temporarily in favour of respondent No.5. That position has completely changed by the order dated 3.12.1997, Annexure-A/10. Respondent no.5 in this circumstance should vacate quarter No.395-B so that it can be occupied by the applicant in whose favour the quarter was allotted. The learned counsel for the applicant has stated that the respondent no.5 has even now not vacated the quarter in question. He has also stated that that respondent no.4 has not taken

any step to get the quarter vacated by respondent no.5. As the learned counsel for the respondents did not appear at the time of argument, there is no denial of this assertion. In view of these facts it will be proper to direct the respondent no.4 to take appropriate steps for getting quarter no.395-B of Type III ~~be~~ vacated by respondent no.5 as she has been allotted another quarter.

6. This OA is allowed to the extent that the respondent no.4 shall take necessary steps for getting quarter No.395-B of type-III vacated by respondent No.5 Smt.Neera Ghosh at an early date so that the said quarter is occupied by the applicant. No order as to costs.


(V.N.MEHROTRA)
VICE-CHAIRMAN