

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.10 of 1987

Smt.Easther Ishwarlal Makwan
C/o Shri G.S.Walia(Advocate)
89/10, W.Railway Colony,
Matunga Road,
Bombay.

.. Applicant

V/s.

1. Union of India through
General Manager,
Western Railway,
Churchgate,
Bombay-400 020
2. Divisional Railway Manager,
Bombay Division,
Western Railway,
Bombay-400 008

.. Respondents

Coram: Hon'ble Vice-Chairman, Shri B.C.Gadgil
Hon'ble Member(A), Shri J.G.Rajadhyaksha

Appearance:

1. Mr.G.S.Walia
Advocate
for the applicant
2. Mr.A.L.Kasturey
Advocate
for the respondents.

ORAL JUDGMENT:-

Date: 24.2.1988

(PER: Shri B.C.Gadgil, Vice-Chairman)

The applicant who is widow of Late Ishwarlal Jetha who was working as Shunting Jamadar with the Western Railway has submitted this application. Shri Ishwarlal was allotted railway quarters No.173/24 at Bandra(West) for his residence. He died on 19.9.1984 while in service. The applicant in her capacity as the widow of Ishwarlal made an application to the Railway Administration seeking employment on compassionate grounds and also praying that the said

Contd.....2/-

quarters should be allotted to her. That prayer was not acceded to and hence this application was filed by her.

2. The respondents have opposed the application. However, in view of the circumstances mentioned below it is not necessary to give all the detailed pleas that have been raised by the respondents.


3. Mr. Walia, Advocate for the applicant made a statement before us that about four months back the applicant has been given employment in Group-D service on compassionate grounds. Hence the prayer seeking such employment does not survive. The only question now remains is as to whether the quarters that were allotted to Ishwarlal should be regularised or allotted to the applicant. In our opinion, this aspect will have to be considered by the department itself if the applicant makes a fresh formal application claiming that the said quarters should be allotted to her on out of turn basis. It is needless to say that the department will have to consider that application for allotment of those quarters or for any other quarters meant for Group-D servants. Hence, we pass the following order.

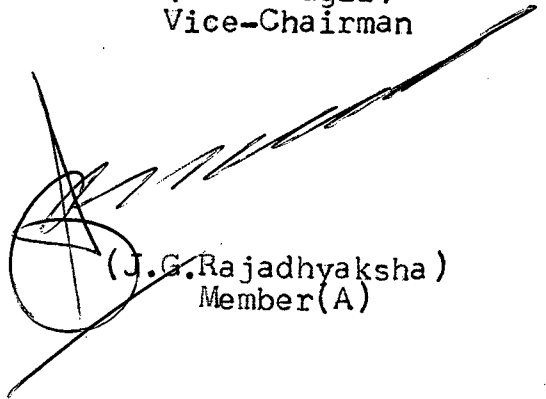
O R D E R

- i) The application partly succeeds. It is not necessary to consider the prayer for employment on compassionate grounds as Mr. Walia has made a statement as mentioned above.
- ii) The applicant should make an application within one month from today to the Railway Administration either for regularisation

Contd...3/-

of the quarters in question in her favour or for allotment of any other suitable quarters. The respondents are directed to consider that application as far as possible favourably, and to decide the question whether the allotment should be made on out of turn basis. Decision in that respect should be taken expeditiously, say within a period of two months. If, unfortunately, the applicant is not allotted any quarters, she will be at liberty to make a grievance about it by filing a separate application before the Tribunal. The applicant would continue to occupy the above mentioned quarters till a decision is taken by the department on her application for allotment of quarters. With these directions the application is disposed of. No orders as to costs.


(B.C. Gadgil)
Vice-Chairman


(J.G. Rajadhyaksha)
Member(A)