

Tribunal's Order:

Dated: 9.1.1989.

Heard Mr.V.D.Surve, learned advocate for the applicant and Mr.V.S.Masurkar, learned advocate for the respondents. The applicant's father expired while in service on 28.11.1986. He was working as a Fitter. On compassionate grounds the applicant was first appointed as Casual Assistant Store Keeper on 12.12.1986. He was made permanent on 22.6.1988. The applicant's father was staying in government quarter. However, after his death, the Estate Officer passed an order on 17.8.1988 directing that the family of the applicant's father be evicted from that quarter. The applicant's mother had preferred Miscellaneous Appeal No.143/88 in City Civil Court at Bombay, but after hearing it was rejected on 22.11.1988. The applicant has filed this application praying for directing the respondents to allow the applicant to retain the same quarter which was in the possession of his father. In view of these facts, after hearing advocate for both the sides, we pass the following orders

ORDER

1. The application is admitted.
2. As regards interim relief, we find that the applicant was given appointment as Casual Assistant Store Keeper after the death of his father. He was made permanent on 22.6.1988. We do not think that according to rules, the applicant will be entitled to retain the same quarter or ask for allotment of the same quarter. Hence we reject the applicant's request for interim relief in para 10 of the application. We are of the view that granting interim relief will deprive some employees who may be legitimately entitled to the quarter.
3. The respondents to file their reply on 28.2.1989. Keep the case before the Registrar on that date.

*W. J. Dinesh*  
(M.Y.PRIOLKAR)  
MEMBER(A)

*M. B. MUJUMDAR*  
(M. B. MUJUMDAR)  
MEMBER(J.)