

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 846/96.

Date of Decision : 31.3.97

Shri N. Ganeshan \_\_\_\_\_ Petitioner.

Shri Asim Ansari. \_\_\_\_\_ Advocate for the  
Petitioner.

VERSUS

Union Of India & Another \_\_\_\_\_ Respondents.

Shri V. S. Masurkar \_\_\_\_\_ Advocate for the  
Respondents.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

(i) To be referred to the Reporter or not ?

(ii) Whether it needs to be circulated to  other Benches of the Tribunal ?

*B. S. Hegde*  
(B. S. HEGDE)  
MEMBER (J).\*

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 846/96.

Dated this 31/8/96 the Handday of Monday, 1997.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

N. Ganeshan

C/o. Asim Ansari,  
Advocate,  
11, Sopariwala Mansion,  
1st floor, Room No. 5,  
Mohamed Shahid Marg,  
Mumbai, Mumbai - 400 011.

... Applicant

(By Advocate Shri A. Ansari).

VERSUS

1. Union Of India through  
The General Manager,  
Western Railway,  
Churchgate,  
Mumbai - 400 020.

2. The Divisional Railway  
Manager,  
Western Railway,  
Mumbai Central,  
Mumbai - 400 008.

... Respondents.

3. Medical Director,  
Jagjivan Ram Hospital,  
Western Railway,  
Maratha Mandir Marg,  
Mumbai - 400 008.

(By Advocate Shri V.S. Masurkar)

: ORDER :

PER.: SHRI B. S. HEGDE, MEMBER (J)

Heard Shri A. Ansari for the applicant and  
Shri V. S. Masurkar for the respondents.

2. The short point for determination in this O.A.  
is whether the prayer made by the applicant for allotment of  
Type-I railway quarter No. 84/18 at M.R.U. on the basis

of panel list shown by the respondents is justified or not. The applicant is a permanent employee of Jagjivan Ram Hospital and at present, he is working as a Non-Matric Clerk on adhoc basis under Respondent No. 2, i.e. the Divisional Railway Manager, Western Railway, at Mumbai Central, Mumbai. He joined the railway service as Hospital Attendant in Jagjivan Ram Hospital on 29.04.1981 and he has kept his lien in J.R. Hospital while he came to the Office of the Respondent No. 2 on adhoc basis. The applicant's father, Shri V.N. Babu was also working in the J.R.H. as a Record Sorter. He retired in the year 1985. After his retirement the railway quarter was regularised on out of turn basis from father to son in the name of the applicant in the year 1985 itself. The applicant is staying in the said railway quarter since then and the said railway quarter belongs to Medical Pool and it is a type-I railway quarter. When he came to the office of the Respondent No. 2, he was told that his promotion was purely on adhoc basis and does not confer any right for regular promotion. According to the rules, an employee can apply for allotment and/or change of quarter. The application for such purpose has to be made by the employee for name noting. According to the circular dated 20.01.1985, the said circular provides for a Waiting List Register to be maintained separately one for normal allotment of quarter and another for change of quarter of each pool. Therefore, the contention of the learned counsel for the applicant is that, since the quarter in which the applicant is staying is Type-I quarter in a chawl system and there are also Type-I

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quarters with better living condition at M.R.U., therefore, he asked for change of quarter. Accordingly, the applicant has been considered and kept in Waiting List No. 1.

3. The respondents in their reply did not dispute the name of the applicant in the Waiting list but however stated that since a regular promotion and posting order is kept pending, as there is a police case pending against him, the allotment of quarter could be decided only after finalisation of police case and on regularisation as N.M. Clerk in the Office of the Respondent No. 2. It is conceded that the applicant has sought for a change of quarter as back as 1991. Though his request for change of quarter was put up to the Housing Committee of Mumbai Division, they did not agree to his request on the ground that he was working on adhoc basis as Non-Matric Clerk and therefore, he was not entitled to get his name noted for change of quarter from Administration Pool of Mumbai Division, since name noting is done on the basis of substantive position.

4. In the light of the above, the question to be seen here is that the applicant is seeking only change of quarter, which he is entitled to seek as per the department's own circular dated 20.01.1986. The only reason for not allotting him the said quarter i.e. Type-I Railway Quarter No. 84/18 at MRU, is the pending police case against him and that, he is on adhoc basis under Respondent No. 2. That itself could not come in the way of his getting alternative accomodation in accordance with the circular.

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5. In the result, I hereby direct the respondents to allot the Railway Quarter No. 84/18 at M.R.U., Type-I on refusal from Smt. Ratan Mitha vide their letter dated 16.08.1996 within a period of 15 days from the date of receipt of a copy of this order. Accordingly, ~~I~~ allow the O.A. There will be no order as to costs.

  
(B. S. HEGDE)  
MEMBER (J).

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