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CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 1184/96

Date of Decision: 4/2/99

Shri Sujit Kumar Rajak Petitioner/s

Shri Suresh Kumar Advocate for the
Petitioner/s.

v/s.

Union of India & Anr. Respondent/s

Shri A.I.Bhatkar Advocate for the
Respondent/s

CORAM:

Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri

(1) To be referred to the Reporter or not? *W*

(2) Whether it needs to be circulated to other Benches of the Tribunal? *W*

abp.

R.G. Vaidyanatha
(R.G. VAIKYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG. NO. 6, 4TH FLR, PRESCOT RD, FORT,
MUMBAI - 400 001.

ORIGINAL APPLICATION NO: 1184/96.

DATED THE 4TH DAY OF FEBRUARY, 1999.

CORAM: Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman.

Shri Sujit Kumar Rajak,
Working as Diesel Assistant,
Diesel Loco shed Bandra,
Mumbai-400 050.

... Applicant.

By Advocate Shri Suresh Kumar

V/s.

1. Union of India through
General Manager HQ,
Churchgate,
Mumbai - 400 020.
2. Divisional Railway Manager
(Establishment) Western Railway,
Mumbai Central,
Mumbai.

... Respondents.

By Advocate Shri A.I. Bhatkar.

I O R D E R

(Per Shri R.G. Vaidyanatha, V.C.)

This is an application for direction to the respondents to allot type-II quarters to the applicant on the basis of his first application for allotment of quarters. Respondents have filed reply opposing the application.

I have heard both the counsels.

2. The applicant is working as a diesel assistant and had given application for allotment of type-I or II quarters as early as 4/5/91 (vide Ex-A-2 at page-15 of paper book). It appears he has been allotted a sub-standard type-I quarter. That is why he has approached this Tribunal for direction to respondents/allot a standard type-I or type-II quarter.

3. The respondents in their reply have conceded that the applicant is entitled to type-II quarter. However, they have stated that applicant's request for type-II will be considered on the basis of seniority, waiting list, availability of quarters and as per rules.

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When the case is called out for hearing today, learned counsel for respondents tenders a copy of order dated 12/3/98 in which the applicant has been allotted Railway Quarter No.162/15 at Bandra(West). Admittedly, this is type-I standard quarter.

4. Since the respondents have already allotted type-I standard quarter, the applicant may occupy the same if he has already not occupied. The respondents have clearly stated that applicants request for type-II quarters will be processed as per his waiting list, seniority and availability of quarters as per rules. Therefore, there is nothing more to be done in the present case.

5. In the result, the OA is disposed of with direction to the respondents to treat the first application(4/5/91) of applicant for type-II quarter as per seniority and waiting list, availability of quarters and as per rules. In the circumstances of the case, there will be no orders as to costs.

Rehman

(R.G.VAIDYANATHA)
VICE CHAIRMAN

abp.