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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No. : 1114 OF 1996.

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Date of Decision

26-08-97

Shankarlal K.,

Petitioner/x

Shri G. D. Samant,

Advocate for
the Petitioner

Versus

Union Of India & Others,

Respondent/s

Shri V. S. Masurkar,

Advocate for
the Respondent

Coram :

HON'BLE SHRI. M. R. KOLHATKAR, MEMBER (A).

~~XXXXXXXXXXXX~~

- (1) To be referred to the Reporter or not ? x
- (2) Whether it needs to be circulated to other
Benches of the Tribunal ? x

M. R. Kolhatkar
(M.R. KOLHATKAR)
MEMBER (A).

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 1114 OF 1996.

Dated this Pronounced, the 26th day of Aug., 1997.

CORAM : HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

Shankarlal K.,
Bungalow Peon of Dy.Com(S),
Churchgate,
MUMBAI - 400 020.

... Applicant

(By Advocate Shri G.D. Samant)

VERSUS

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

2. The General Manager (E),
Western Railway,
Churchgate,
Mumbai - 400 020.

3. The Divisional Railway
Manager (E),
Bombay Division,
Western Railway,
Mumbai Central,
Mumbai - 400 008.

... Respondents.

(By Advocate Shri V.S. Masurkar)

: ORDER :

¶ PER.: SHRI M. R. KOLHATKAR, MEMBER (A) ¶

The applicant who was working as Bungalow Peon of the Sr. Divisional Com. Superintendent, Bombay Central, requested for allotment of railway quarter and Name Noting by his letter dated 04.09.1990. In the Waiting List of the Class-III and Class-IV staff for allotment of railway quarter at page 13 of the O.A., the name of the applicant appears on the top under the essential category. A meeting of the Quarter Allotment Committee took place on 07.01.1994 and the same allotted the available quarter to

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Sanjay Jalgaonkar, who is at sl. no. 2 in the Waiting List. Vide order dated 11.01.1994, It has come on record that Satya Prakash, the officer to whom the applicant was attached, had requested for transfer of his Bunglow Peon (applicant) also to Headquarters on his own transfer to Headquarters. Accordingly, the applicant was transferred to Headquarters on 11.02.1994. It appears that the Quarter Allotment Committee took the view that since the officer to whom the applicant was attached was under orders of transfer, the applicant's name, although it was at the top, may be ignored. It would also appear that the applicant was asked to register his name in the Waiting List of Headquarters ^{Pool} and the same appears at Sl. No. 348-A, which would indicate that the applicant has no chance of getting allotment of quarter from the Headquarters Pool in the near future.

2. The applicant has challenged the order dated 11.01.1994 on the ground that, on the day the Quarter Allotment Committee met, the applicant was very much on the strength of the Divisional Office and therefore, the Quarter Allotment Committee was not entitled to ignore his name. It was only subsequently that the officer concerned requested for transfer of the applicant (Bunglow Peon) and it was still later that the applicant was actually transferred. Moreover, the applicant's name has also not been listed under essential category in the Headquarters Pool. The applicant has, therefore, sought the relief of allotment of the next quarter falling vacant at the Divisional or Headquarters level.

4

3. The respondents have contended that the O.A. is barred by time. The O.A. which was filed on 23.10.1996 has challenged the Quarter Allotment Order dated 11.01.1994, which was issued more than 18 months back prior to the filing of the O.A. In this connection, it is noticed that the applicant made a representation to the Head Office on 31.01.1995 and a reply in this regard was sent on 14.11.1995. The applicant was, thus diligently pursuing this case and there is sufficient reason to condone the marginal delay in filing of this O.A. and the same is condoned.

4. On merits, there is substance in the contention of the applicant that at the time the Quarter Allotment Committee of the Divisional Office met on 07.01.1994, the applicant was on top of the Waiting List of the Essential Category in the Divisional Office and the Quarter Allotment Committee had no material before them to ^{who} presume that the applicant was a Bunglow Peon of an officer under transfer from Divisional Office to Headquarters Office ^{would automatically be transferred} and the vested right of the applicant for consideration of his name according to his position in the Waiting List could not be brushed aside on the basis of informal knowledge that may be possessed by the ^{of the Committee.} Chairman or any other Member. The denial of the quarter ^{to the next person} to the applicant and allotment of the same ^{was,} therefore, patently illegal. It is not disputed that the Divisional Office and the Head Office are at the same station. I, therefore, dispose of this O.A. by directing the respondents to allot the first available quarter in the Divisional Pool to the applicant. Action in this regard should be taken within three months from the date of communication of the order.

5. The O.A. is disposed of with the above directions. There would be no order as to costs.

MR Kolhatkar

(M. R. KOLHATKAR)
MEMBER (A).

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