Duplicate for Ord. in OA 548/96.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA.Nos. 548/96 & 549/96

this the day of 1996

CORAM: Hon'ble Shri P.P.Srivastava, Member (A)

1. Bhuloga Pandian
2. Ravindra Nath Tiwari

C/o G.S.Walia,
Advocate, High Court,
16, Maharashtra Bhavan,
Bora Masjid Street,
Fort, Mumbai.

By Advocate Shri G.S.Walia ... Applicants

V/S.

1. Union of India through
General Manager,
Western Railway
Head Quarters Office,
Churchgate, Mumbai.

2. Chief Admn. Officer,
Infrastructure (SI)
Metropolitan Transport
Project (Railways)
Churchgate Station Building,
Churchgate, Mumbai.

3. Sr.Personnel Officer
Metropolitan Transport
Project (Railways),
Churchgate Station Building,
Churchgate, Mumbai. ... Respondents

By Advocate Shri V.S.Masurkar, C.G.S.C.

O R D E R

(Per: Shri P.P.Srivastava, Member (A))

The issue in both the OAs. is similar and therefore both the OAs. are decided by a common order.

2. In OA.No. 548/96 the applicant is working as a Driver with the Metropolitan Transport Project (Railways) Bombay. He was allotted a Railway Quarter No. MS/RB/1/217/1 at Bandra (West) in the year 1993.

In OA.NO. 549/96 the applicant, Shri R.N.Tiwari was allotted a Railway Quarter No. MS/RB/I/217/15 in the Western Railway Colony, Bandra (West). The applicant in this case is working as Junior Clerk in Metropolitan Transport Project (Railways) Bombay.

3. There was a surprise check conducted by a Committee consisting of Sr.Personnel Officer, Inspector of Works and Representative of the Union and SC/ST Union. According to the report of this committee dated 3.2.1996 (Ex.R-I), the report against Applicant No. 1 is as under :-

> "It was found that Shri Bhoologa Pandian & his family were not present at the time of checking. Shri & Smt. K.S.Durai were staying in the quarters."

Against applicant in OA.NO. 549/96 R.N.Tiwari, it has been recorded that :-

> "It has been seen that Shri R.N.Tiwari & his family were not present at the time of checking and Ms.Meena & Ms. Sobha and others were found staying in the quarters."

4. The allotment of quarter in case of applicants was terminated by the administration vide their letter dated 27.5.1996 which is placed at 'Ex.'A' in both the OAs. The letter is similarly worded and it has been mentioned that :-

> " You are hereby advised that your allotment order is terminated with immediate effect and you are requested to vacate the above quarter on or before 15.6.96. If you fail to vacate the above railway quarter on or by 15.6.96 damage rent will be charged from you as per extant rules, i.e. Rs.34/- per sq.metre."

Both the applicants have submitted a representation against this order which is placed in the case of applicant in OA.NO. 548/96 at 'Ex.-H'. The representation is dated 7.6.1996. The applicant in OA.No. 549/96 has also submitted a representation which is placed at 'Ex.-J' dated 10.4.1996. No reply has been received by both the applicants. The Learned counsel for the applicant has brought out that many points have been raised by the applicants in the representation which requires consideration.

5. The Learned counsel for the respondents has submitted that applicants have approached the Tribunal without waiting for any reply from the administration on their representation and the application is pre-mature.

6. Since many questions of facts are involved which are required to be verified and examined by the respondents in the respective representations filed by the applicants, I dispose of the OAs. with the direction that the respondent administration should consider the representation made by the applicants and if necessary they may give personal hearing to both the applicants before taking final decision and pass a speaking order on their representation dealing with each points raised therein. Till the final disposal of the representations, the orders passed by the respondents on 27.5.1996 placed at 'Ex.-A' in both the OAs. would be held in abeyance. It is also clarified that applicants would be at liberty to approach the Tribunal if they are aggrieved by the order of the respondents on their representation if so advised.

(P.P.SRIVASTAVA)
MEMBER (A)

mrj.