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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 165/90

198

~~T.A. No.~~

DATE OF DECISION 22.8.1990

Shri H.B.Barot Petitioner

Shri L.M.Nerlekar Advocate for the Petitioner(s)

Versus

General Manager, India Govt.Mint Respondent s
Bombay & Anr.

Mr.J.G.Sawant for R-1. Advocate for the Respondent(s)

Mr.V.S.Masurkar for R-2.

CORAM

The Hon'ble Mr. G.Sreedharan Nair, Vice Chairman

The Hon'ble Mr. M.Y.Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

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OA.NO. 165/90

Shri H.B.Barot

... Applicant

vs.

General Manager,
India Govt. Mint, Bombay
AND ANOTHER.

... Respondents

CORAM: Hon'ble Vice Chairman Shri G.Sreedharan Nair
Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Mr.L.M.Nerlekar
Advocate
for the Applicant

Mr.J.G.Sawant
Advocate
for Respondent No.1.

Mr.V.S.Masurkar
Advocate
for Respondent No.2.

ORAL JUDGEMENT

Dated: 22.8.1990

(PER: G.Sreedharan Nair, Vice Chairman)

Heard counsel of the applicant as well as counsel
of Respondents No. 1 & 2.

2. The relief claimed in the application is to direct the respondents to allot a suitable type of quarter to the applicant and to restrain them from evicting the applicant from the quarter held by him. Admittedly, the quarter said to be held by him is the one that was allotted by the second respondent to the father of the applicant while the latter was under their service. No doubt the applicant has secured appointment on compassionate ground after the demise of his father. However, it is not in dispute that considering his official status he is not eligible for a type II quarter.

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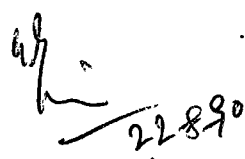
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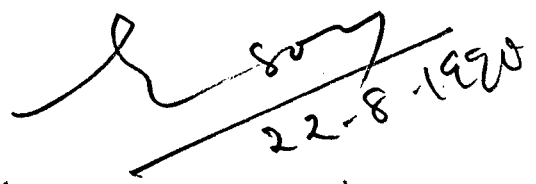
The quarter that ~~is~~^{was} allotted to the father of the applicant belongs to that type. Hence, the prayer to restrain the respondents from evicting the applicant from the said quarter cannot be entertained as the applicant has prima facie no right to continue in the said quarter.

3. As regards ^{he} other relief to direct the respondents to allot a suitable type of quarter to the applicant, it is up to the applicant to make a proper representation before the first respondents for that purpose. The representation that was made by the applicant on 27.12.1989 though addressed to the first respondent is with the specific prayer for forwarding the same to the second respondent, and that too not for the purpose of allotment of a quarter but for the specific purpose of regularising his occupation in the quarter that was allotted to his father.

4. It follows that the application cannot be entertained with respect to either of the reliefs claimed.

5. We reject the application. While doing so we make it clear that this order shall not preclude the applicant from making a proper application before the first respondent for allotment of a quarter if he is eligible for the same in accordance with the rules.


(M.Y. PRIOLKAR)
MEMBER (A)


(G. SREEDHARAN NAIR)
VICE CHAIRMAN