

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 776/90

198

~~T.A. No.~~DATE OF DECISION 1-1-1992SUNIL D. JAPE

Petitioner

SHRI Y R SINGHSHRI L M NERLEKAR

Advocate for the Petitioner(s)

Versus

DRM C.R. & ANOTHER

Respondent

SHRI S C DHAWAN

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. JUSTICE U C SRIVASTAVA, 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? ✓

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO.6
PRESCOT ROAD, BOMBAY-400001

OA No.776/90

Shri Sunil Dattatraya Jape
Assistant Shop Suptd.,
C&W Workshop
Matunga Bombay 19

Residing at
Railway Quarter No.F/227
Murbad Road
Kalyan 421304
Dist. Thane

.. Applicant

V.

1. Divisional Railway Manager
Central Railway Bombay V T

2. Chief & workshop Manager
C&W Workshop
Matunga, Bombay 400019

.. Respondents

Coram: Hon.Shri Justice U C Srivastava,V.C.
Hon.Shri M Y Priolkar, Member(A)

ORAL JUDGMENT:

DATED : 1.1.1992

(PER: U C Srivastava, Vice Chairman)

APPEARANCE: Shri Y R Singh, Adv. for the
applicant

Shri S C Dhawan, Adv. for the
respondents

By means of this application the
applicant has prayed that the respondents be directed
to transfer the Railway Quarter No.F/227 at Kalyan in the
name of the Applicant on Father to Son basis in terms of
Railway Board's letter. It appears that the applicant's
father who retired from service on 31.1.1990 was
transferred from Jabalpur to Bombay in 1982 and
thereafter the quarter in question was allotted to
him.

The applicant who entered the service
in the year 1981 as apprentice which was for a
period of two years, was residing separately at
Kalyan admittedly from the year 1983. The applicant
states that he started living with his father from
1.6.1989 as there was no possibility of his father

getting a transfer due to retirement. Thereafter he applied for sharing the Railway Quarter which was allowed on 12.5.1989 and he was granted permission to share the quarter from ~~20.11.89~~ 1.6.1989 to 30.11.1989 and from 1.12.1989 to 31.1.1990 with his father, vide DPO's letter dated 28.11.1989. Later on the applicant was informed that his prayer for transfer of the quarter cannot be granted. The applicant after approaching the authorities has approached this Tribunal.

The respondents have stated that applicant was granted permission on 12.5.1989 ~~was~~ through a mistake. It has also been admitted that there is no dispute of the fact that prior to the grant of permission to the applicant the respondents themselves had granted permission to one T N Tiwari to share accommodation with the applicant's father from 1.5.1988 to 31.10.1988 and subsequently from 1.11.1988 to 30.4.1989. It was after Mr. Tiwari vacated the quarter the applicant applied for ^{permission for sharing} the quarter and the same was granted.

The respondents pleaded and contended that the applicant has applied for ^{sharing} the said quarter only six months prior to the retirement of his father and in view of the revised allotment rules as per Railway Board letter dated 15.1.1990, i.e., prior to the retirement of his father, he cannot get the benefit of allotment of quarters.

The applicant was given permission when the earlier allotment rules were in existence and it appears by that time he has completed six months. Merely because a few days before the retirement of his father such an amendment to the rules was made and those who had applied for transfer of quarters six months prior will not get such transfer will not ~~be~~ be applicable in the case of applicant.

Accordingly applicant is entitled for

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transfer of quarter accommodation as prayed for by him.
Application is allowed. Let this be done by the respondents.
There would however be no order as to costs.



(M Y PRIOLKAR)
MEMBER (A)



(U C SRIVASTAVA)
VICE CHAIRMAN