

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

ORIGINAL APPLICATION NO.: 368/91

DATED OF DECISION: 25.1.1995

Tikaram S. Bagade

PETITIONER

Mr. G.S.Walia

ADVOCATE FOR THE PETITIONER

v/s

U.O.I. & 2 Ors.

RESPONDENTS

Mr. A.L.Kasture

ADVOCATE FOR RESPONDENTS

CORAM:

THE HON'BLE SHIR JUSTICE M.S.DESHPANDE, VICE CHAIRMAN

THE HON'BLE SHIR P.P. SRIVASTAVA, MEMBER (A)

1. To be referred to the Reporter or not ? —
2. Whether it needs to be circulated to other Benches
of the Tribunal - *M.D.*


Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GUILSTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

O.A.NO. 368/91

Tikaram S. Bagade

..Applicant

V/s

Union of India & 2 ors.

..Respondents

Coram: Hon. Shri Justice M.S. Deshpande, Vice Chairman
Hon. Shri P.P. Srivastava, Member(A)

Appearance:

Mr. G.S. Walia
Counsel for the applicant

Mr. A.L. Kasture
Counsel for the respondents

ORAL JUDGMENT:

(Per: M.S. Deshpande, Vice Chairman)

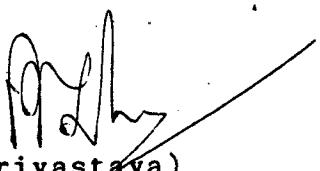
DATED: 25.1.1995

By this application, the applicant prays for quashing the charge sheet dated 17.5.1991 ~~by which the~~ ^{being} charge of misconduct viz., that he was in unauthorised occupation of the railway quarter No.127/10 at Mahalaxmi, Bombay. The applicant was granted in 1975 a compassionate appointment as a near relation of the deceased railway employee and he was in occupation of quarter No. 127/10 at Mahalaxmi. His aunt who was residing with him made a complaint to the authority that the applicant was not looking after her and a disciplinary proceeding was initiated against him on the basis of the allegations made by the aunt and the applicant was removed from service on 3.6.88. The applicant's removal was set aside on 17.5.91 and a charge sheet was issued to the applicant for unauthorised occupation of the railway quarters. The applicant sent a letter to the railway authorities on June 20, 1990 that he had already vacated the railway quarter and that if any action has to be taken it should be against the aunt and action may be taken against

her for obtaining the possession of the quarters. The Railway authorities took the view that the applicant should persuade his aunt to vacate the quarters. The applicant has approached the Tribunal for quashing the chargesheet.

2. The question is no longer res integra in view of the decision of this Tribunal in M.A. JALEEL KHAN Vs. UNION OF INDIA & ORS., in O.A.No.848/90., decided on 23.11.1994 following the decision of P. MOOSA Vs. UNION OF INDIA & ORS. (1990(1) CAT, A.I.S.L.J., 701) and SATYA PRAKASH Vs. UNION OF INDIA & ORS. (1990(3) XII A.I.S.L.J. 460) that unauthorised occupation or non-vacation of quarters would not constitute misconduct.

3. We, therefore, quash the chargesheet which was issued on 17.5.1991 to the applicant. Shri Walia, 1d. counsel for the applicant does not press for the other reliefs. The O.A. is therefore disposed of with the above directions.



(P.P.Srivastava)

Member(A)



(M.S. Deshpande)

Vice Chairman