

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 750/91

~~XXXXXXXXXXXXXXXXXXXX~~

DATE OF DECISION 20.1.1993

Shri B.V. Khandizod & Anr. Petitioner

Shri P.G.Lad Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri J.G.Sawant Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice S.K.Dhaon, Vice Chairman

The Hon'ble Shri

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 ?

} No

Shri
(S.K.Dhaon)
Vice Chairman

(12)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 750/91

Shri Bharat Vithal Khandizod & Anr. ... Applicants

V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice S.K.Dhaon

Appearance

Shri P.G.Lad
Advocate
for the Applicant

Shri J.G.Sawant
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 20.1.1993

(PER: S.K.Dhaon, Vice Chairman)

The controversy centres round the allotment/regularisation of the occupation of Quarter No. 53-E-R-H-1 (hereinafter referred to as the accommodation in question).

2. The applicant No. 2 Vithal Bhikhaji Khandizod was employed as a Mate in the Western Railway and he had been allotted the accommodation in question which rest with the Western Railway. On 30.11.1989 the applicant No. 2 retired from service. It appears to be an admitted position that applicant No.1 lives in the accommodation in question along with his father since his birth. However, on 31.3.1991 the applicant No. 1 who had been employed as a Khalasi in Central Railway sometime in the year 1987 addressed an application to the Chief Workshop Manager, Loco Workshop, Parel praying that a Railway quarter may be allotted to him at an early date. On 23.10.1991 the Chief Workshop Manager, Parel sent a communication to the Senior Personnel Officer, Central Railway, Bombay V.T. inquiring as to whether the applicant No.1 can be considered for allotment of accommodation from the Central Railway Pool

Singh

or otherwise. It appears to be an admitted position that no orders have been passed so far upon the said application dated 31.3.1991 made by the applicant. In view of the order I am about to pass, I am refraining from making any comments upon the merits of the case which have been argued for quite some time before me. For, if I do so the case of either party is bound to be prejudiced.

3. The applicant was entitled to make an application for allotment of a quarter out of turn. He did so and that application is still pending. Some orders have to be passed upon that application by the authority concerned. That may be done as expeditiously as possible.

4. During the pendency of this application, this Tribunal restrained the respondents from evicting the Applicant No. 1 from the accommodation in question. Therefore, this is a fit case where a direction should be issued to the respondents not to evict the applicant No.1 from the said accommodation till his application is disposed of. Accordingly, I issue such a direction.

5. With these directions this application is disposed of finally but without any order as to costs.

my
(S.K.DHAON)
VICE CHAIRMAN

mrj.