

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: **53/91**

199

T.A. NO:

DATE OF DECISION **22.7.1992**

SHRI PRAKASH J. SONAVANE, and ors. Petitioner

SHRI D.V. GANGAL

Advocate for the Petitioners

Versus

THE UNION OF INDIA and ors. Respondent

Shri J.G. Savant

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. **JUSTICE S.K. DHAON**, 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 ?

N^o

S
(S.K. DHAON)
V/C

mbm*

(12)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO: 53/91

Shri Prakash J. Sonavane,
and another, Kalyan.

r... Applicants

V/s

Union of India
through General Manager,
Central Railway.

CORAM : HON'BLE MR. JUSTICE S.K.DHAON, Vice-Chairman
HON'BLE SHRI M.Y.PRIOLKAR, MEMBER (A)

Appearance :

Shri D.V.Gangal, Adv.
for the applicant.

Shri J.G.Sawant, Adv.
for the respondents.

ORAL JUDGEMENT

22nd JUL 1992

(PER : JUSTICE S.K.DHAON, Vice-Chairman)

The disputes relates to the allotment/regulation of the Railway Quarter No.859 in favour of the applicart No.2, Shri Jagannath Arjun Sonavane.

2. A counter affidavit has been filed. Shri J.G. Sawant, learned counsel for the respondents has been heard in opposition of this application.

3. The material facts which have emerged after exchange of affidavits are these. On or before 25.11.1986 the applicant No.1 Shri Prakash J. Sonavane was employed as Rakshak in the Railway Protection Force, and he had been allotted the Quarter No.859 in the RPF pool. On 25.11.1986 he retired from service, Some time in March 1987 he made an application praying that his son the applicant No.2 may be given an employment on compassionate ground.

Having failed to get any redress, the Original Application No. 686/87 was filed in this Tribunal. On 12th November 1987 this Tribunal directed the Respondents to consider and dispose of the application made by the applicant for the giving of an employment to the applicant No.2 on the compassionate ground within a period of three months. No action having been taken, a contempt petition No.30/88 was filed. During the pendency of the said application, the applicant No.2 was given an employment as a Khalasi. Accordingly, the contempt petition was rejected as infructuous.

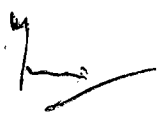
4. It is not in dispute that the applicant No.2 is entitled to be allotted the accommodation of ^{the} same type which had been allotted to his father i.e. applicant No.1 and which was in his occupation on the date of his retirement viz. 25.11.1986. It is also not in dispute that the applicant No.2 was residing with the applicant No.1 and living in the said accommodation and the said accommodation was allotted to the applicant No.1 six months prior to the date of retirement of applicant No.1. The controversy as to whether the applicant No.2 can be allotted an accommodation in RPF pool. Need not detain us as a statement has been made at the Bar on behalf of the applicant that the applicant No.2 is prepared to accept the quarter No.783 in lieu of a quarter No.859.


5. We are left with only one question as to whether the applicants should be called upon to pay the standard or economic rent of the Railway Quarter No.859. According to Shri Sawant, the applicants are liable to pay economic rent after the expiry of a period ^{of} 3 months from 25th November 1986 and till 12 th November 1987.

On the contrary, it is urged on behalf of the applicants that, having regard to the facts and circumstances of the instant case, they (applicants) should not be called upon to pay any economic rent. Having considered the matter carefully, we are of the opinion that, in view of the facts that the applicant No.1 took an expeditious steps of making an application for the giving of a job on compassionate ground to the applicant No.2 and the matter having been delayed at the end of the respondents, this is a fit case where the applicant may not be called upon to pay any economic rent. We, therefore, direct the respondents to allot Railway Quarter No.783 or any other quarter of the same type to the applicant No.2. We also direct the respondents not to realise any other rent except the normal rent from the applicants with respect to the railway quarter No.859.

6. We are not expressing any opinion on the other prayer made in this application that a direction may be issued for the payment of gratuity to the applicant No.1. It will ^{be} open to the applicant No.1 to seek redress by making an application before the appropriate authority.

7. With these directions this application is disposed of finally. There shall be no order as to costs.


(M.Y. PRIOLKAR)
M/A


(S.K. DHAON)
V/e

srl

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Dated: 15.3.93

Shri D.V.Gangal, counsel for the applicant. Mr. J.G. Sawant, counsel for the respondents.

Mr. Sawant has filed the reply today. The reply shows that the order of this Tribunal has been complied with. In view of the same no order on the C.P. is necessary. C.P. 9/93 is disposed of.

(Signature)
(V.D. DESHMUKH)
M(J)

(Signature)
(USHA SAVARA)
M(A)

NS

*Rel
15/3/93
SCTG*
order/~~Document~~ despatched
to Applicant/Respondent (s)
on 22/3/93

(Signature)
26/3/93