

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(u)

NEW BOMBAY BENCH

O.A. No. 86/91

T.A. No.
XXXXXX

198

DATE OF DECISION 20.6.1991

Shri Ranjikumar Das

Petitioner

Shri G.S.Walia

Advocate for the Petitioner(s)

Versus

Union Of India & Ors.

Respondent

Shri N.K.Srinivasan.

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. 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 ?



(U.C.SRIVASTAVA)
VICE-CHAIRMAN.

(5)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

Original Application No. 86/91

Shri Ranjikumar Das

... Applicant

V/s.

Union of India & Others.

... Respondents.

Coram: Hon'ble Vice Chairman Shri U.C. Srivastava.

Appearances:

Applicant by Shri G.S. Walia

Respondents by Shri N.K.
Srinivasan.

Dated: 20.6.1991

{ Per Shri U.C. Srivastava, Vice Chairman }

The applicant who is a Senior Clerk under the Neutral Carriage & Wagon Supdt., Parel Workshop, Western Railway who was earlier working at Churchgate and had been allotted a Railway Quarter at Khar, Western Railway. According to the applicant he was entitled to a Type II quarter and that is why a quarter was allotted to him. The applicant has now been transferred to the same Municipal Area Parel Workshop and Type I quarter is allotted to him. The applicant is entitled to Type II quarter and as such this allotment order is not proper and he has also pleaded that the represented against the same referring thereto name of one Shri B.B. Banerjee a person who was allowed to retain the quarter even after his transfer. The claim of the applicant has been resisted by the respondents who have stated that even after the transfer of a person another quarter has been allotted to him. 6 persons who did not vacate the quarter, the authorities have started eviction proceedings against them. In the rejoinder affidavit the applicant has come forward with the plea that two persons who were not asked to vacate

the quarter after their transfer. It is true that the applicant is an employee of the Railway Administration and a quarter was allotted to him and Railway Board's letter dt. 8/2/7.3.1990 on which reliance was placed provides retention of Railway quarter. The applicant is relying on para 7.4 of the same which reads as under:

" An employee posted at a station in the electrified suburban area of a Railway may on transfer to another station in the same electrified suburban area, may be permitted to retain the railway quarters at the former station on payment of normal rent/flat rate of licence fee/rent provided :-

- (i) the Railway Administration is satisfied and certifies that the concerned employee can conveniently commute from the former station to the new station for performances of duty without loss of efficiency; and
- (ii) the employee is not required to reside in an earmarked railway quarter. "

The rule confers certain discretion on the railway authorities, obviously which can allow a person to retain a quarter in which he is staying. It appears that on the representation of the applicant no action has been taken. The respondents should decide the matter in accordance with the rule mentioned above. In case the applicant is satisfied with the conditions, there appears to be no reason why he should not be allowed to retain the quarter which is in his possession. In case the conditions are not satisfied the applicant may be allotted a quarter of the same type to which he is entitled to which may be near the posting and till the time he is allotted a quarter he should be allowed to continue in the quarter which is in his possession. The application is disposed of on the above lines.



(U.C. SRIVASTAVA)
VICE CHAIRMAN