

3

CAT/J/12

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 773/91  
T.A No.

198

DATE OF DECISION 24th JAN 1991

VAKIL AHMED M. Petitioner

Mr.G.S.Walia Advocate for the Petitioner(s)

Versus

W.RLY. Bombay and anothers Respondent

Mr.W.A.L.KASTURE Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.Y.PRIOLAKR, MEMBER (A)

Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether in needs to be circulated to other Benches of the Tribunal ? *No*

*M.Y.*  
(M.Y.PRIOLAKR)  
M/A

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

4

ORIGINAL APPLICATION NO.773/91

Shri Vakil Ahmed M.  
C/o G.S.Walia, adv.  
High court, 16, Maharashtra Bhavan.  
Mezzanine floor, Bora  
Masjid Street, Behind Handloom  
house, fort, Bombay-400001

....applicant

V/s

Union of India  
and others.

.... Respondents

CORAM : HON'BLE MEMBER SHRI M.Y.PRIOLKAR, MEMBER(A)

Appearance:

Mr.G.S.Walia, Adv.  
for the applicant

Mr.A.L.Kasture, adv.  
for the Respondents.

ORAL JUDGEMENT

24TH JAN 1991

(PER : M.Y.PRIOLKAR, M/A)

The applicant who is working as a leverman at Malad Station of Western Railway, was allotted a Type I quarter No.25/96 at Grant Road by allotment order dated 7.10.1989. According to the applicant, he did not occupy the quarter at all, though under some mistaken belief, he gave in writing that he had occupied the said quarter. The applicant thereafter requested the Respondents to cancel the allotment order. By letter dated 15.10.1991, the applicant again wrote a letter to Divisional Railway Manager, Bombay Central, that the allotment may be cancelled. The grievance of the applicant is, that the respondents have still not cancelled the allotment and continue to deduct the HRA and rent of the said quarter from the pay of the applicant, though he is not occupying the said quarter.

2. According to the respondents, ~~the applicant~~, the applicant had occupied the said Railway quarter on 10.10.1989 and he is in occupation of the said Railway quarter till date. The respondents admit that the applicant submitted letter dt.15.10.91

3

to the Railway Administration showing his unwillingness to continue to occupy the said railway quarter and requesting for the cancellation of the allotment. The respondents state that having occupied the said railway quarter the applicant is liable to pay rent for occupation of the said Rly. quarter and as per rules, no HRA is admissible to him.

3. The learned counsel for the respondents, stated that the letter dated 15.10.1991 for cancellation of the allotment <sup>has</sup> been received from the applicant and the same will be dealt with under the prescribe procedure viz. the Housing Committee would have to approve the cancellation of the said allotment and an order to that effect would be issued by Railway Administration and, thereafter, the applicant has to handover the peaceful possession of the said railway quarter to the concerned IDW/DTC, who in turn will issue a vacant possession report letter to the Railway Administration. Although this case was adjourned twice on 10.12.1991 and again on 3.1.1992 to enable the respondents to clarify the position, the respondents are still not able to show any relevant rules or the prescribed procedure under which the employee who makes an application to surrender the quarter without asking for a new allotment, is made to wait indefinitely on the ground that a meeting of the Housing Committee has not taken place. Admittedly, the applicant had informed the Railway Administration on 15.10.1991 that he is willing to surrender the quarter in Bombay, but the said letter is still unanswered. The applicant has also alleged that the quarter is being occupied <sup>ied</sup> by some other railway employee in

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*g* ~~Convenience~~ <sup>convenience</sup> with the concerned IOU and that he is being harassed to prevent him from surrender<sup>ing</sup> the quarter to the Railway Administration. In the circumstances, I think this application can be disposed of finally by directing the respondents to nominate a senior officer to varify the facts and ensure that the quarter which is offered to be surrendered by the applicant on 15.10.1991 is taken possession of by the Railway Administration without any further delay. I would accordingly direct that the Divisional Railway Manager should nominate a senior officer for this purpose within one week from the date of receipt of this order. The officer so nominated will finally <sup>decide on</sup> the action to be taken on the letter sent by the applicant dated 15.10.1991 within two weeks thereafter. This application is disposed of finally with this direction, with<sup>no</sup> order as to costs.

4. A copy of this order may be given expeditiously to the applicant's counsel. DASTI.

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*h*  
*21/10/91*  
(M.Y. PRIOLKAR)  
MEMBER(A)

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