

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 540/93

XXXXXXXXXXXXXXXXXXXXX
Transfer Application XXXX

DATE OF DECISION 8.10.1993

Shri A.K.B.Talwar & Anr. Petitioner

Shri G.R.Menghani Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri N.K.Srinivasan Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri M.Y.Priolkar, Member (A)

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 it needs to be circulated to other Benches of the Tribunal ? *no*

(M.Y.PRIOLKAR)
MEMBER (A)

[Signature]
(M.S.DESHPANDE)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 540/93

Shri Arjun Kumar Bansiram Talwar & Anr. .. Applicant

V/S.

Union of India & ORS.

.. RESPONDENTS

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Shri G.R.Menghani
Advocate
for the Applicant

Shri N.K.Srinivasan
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 8.10.1993

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

Shri Srinivasan requests for further time to file the reply. Enough time was already granted. Request is refused.

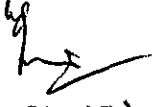
2. It is apparent that the applicant's father, Bansiram retired on 30.6.1982 from Railway Service and his son was sharing the accommodation vide order dated 5.10.1981. The General Manager, Western Railway by his order observed that a substitute employee is not eligible for allotment of a Railway quarter. This observation is not consistent with a view taken by the Tribunal in OA.NO. 489/90 decided on 31.1.1992 and we find that in the circumstances the applicant would be entitled to regularisation of the quarter.

.. 2/-

3. In the result, we quash the General Manager's order and direct the respondents to regularise the applicant's occupation of the quarter.

4. If the terminal benefits of Applicant No. 2 have been withheld only because of the applicant's occupation of the quarter, we direct that the terminal benefits of Applicant No. 2 shall not be withheld on that account and shall be paid to him within three months from today.

5. With these directions the OA. is disposed of.


(M.Y. PRIOLKAR)
MEMBER (A)


(M.S. DESHPANDE)
VICE CHAIRMAN

mrj.