

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 1125/94

Transfer Application No.

Date of Decision 12.4.96

Mohamed Farooque

Petitioner/s

~~Shri~~ Suresh Kumar

Advocate for  
the Petitioners

Versus

Union of India and others.

Respondent/s

Shri N.K. Srinivasan

Advocate for  
the Respondents

CORAM :

Hon'ble Shri. M.R. Kolhatkar, Member (A)

Hon'ble Shri.

- (1) To be referred to the Reporter or not ? ☒
- (2) Whether it needs to be circulated to ☒  
other Benches of the Tribunal ?

M.R. Kolhatkar  
(M.R. Kolhatkar)  
Member (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH 'GULESTAN' BUILDING NO.6  
PRESCOT ROAD, BOMBAY : 1

Original Application No. 1125/94

Friday the 12th day of April 1996

CORAM: Hon'ble Shri M.R. Kolhatkar, Member (A)

Mohamed Farooque ... Applicant.

By Advocate Shri Suresh Kumar

V/s.

Union of India through  
General Manager,  
Western Railway  
H.Q. Office, Churchgate  
Bombay.

Divisional Railway Manager  
Western Railway  
Divisional Office,  
Bombay Central  
Bombay.

... Respondents.

By advocate Shri N.K. Srinivasan.

O R D E R (ORAL)

)( Per Shri M.R. Kolhatkar, Member (A) )

1 The applicant at present is working as Assistant Electrical Foreman in Western Railway. He joined the Railway service in 1973. His grievance is relating to allotment of quarters. The applicant was allotted type I quarter No.217/10 at BA(W) from 26.3.1983. He was eligible for type II quarters from 16.2.81. He was allotted type II quarter BA(W) in exchange of his type I quarter by order dated 13.8.85. However, the same was re-allotted to Shri R.R. Sharma who according to the respondents

was senior to him. Subsequently the applicant was allotted type II quarter 150/H BA(W) by memorandum dated 16.11.90. However the quarter was not vacant because it was occupied by one Shri Balkrishnan. In the meanwhile, the applicant had become entitled for type III quarter and according to the waiting list filed by the applicant at page 18 the applicant is at serial No.44 of the list and effectively at serial No.1 for change for type III quarters. The Railway quarter 3/L/B at BA(W) was lying vacant since 23.3.92 and the applicant had made representation on 18.11.92 for allotment of the same. However due to [REDACTED] re-categorisation of the quarter from type III to type IV, the quarter was allotted to one Shri Pandey of Headquarter Pool. The grievance of the applicant is that as and when his turn comes for allotment of quarter in eligible category which is vacant, it has happened that the quarter is allotted to some one else or the quarter is re-categorised and the was made in-eligible for the same. The applicant is therefore deprived of the quarter to which he is entitled. The applicant alleges systematic discrimination on the part of Administration.

2 The respondents have denied the allegations made by the applicant. According to them, under the pool Balancing system, quarters are transferable and changeable from one pool to another except in the case of Loco Running Pool and RPF Staff quarter

3/L/B belonged to headquarters Pool and the applicant has no right for allotment of the same.

<sup>3</sup>  
^ The relief claimed by the applicant is that  
" (8)(a) he should be allotted type III quarters 3/L/B  
or (8)(b) any other or further order as may be deemed  
fit in the circumstances." It is clear that the applicant  
is entitled to lower category type II as well as type III  
quarters. The learned counsel for the applicant submits  
that in terms of para 8(b) he would be satisfied if  
the respondents are directed to allot to him type II  
or type III quarter as may be vacant.

<sup>4</sup>  
^ Regarding the non-allotment to the applicant  
of type II quarters, the respondents have stated in  
para 4.4 as below:

" Quarter No.150/H type II at Bandra(West)  
was allotted to the applicant in change of  
his present quarter No.217/10 type I at Bandra  
as per his request dated 16.2.81 vide exhibit  
A-3 to the application. The applicant neither  
occupied the said quarter nor submitted his  
unwillingness to do the same nor the applicant  
made any representation in this regard."

<sup>5</sup>  
^ The statement of the respondents that the  
applicant did not occupy the quarter No. 150/H type II  
at Bandra does not appear to be correct since the  
applicant has produced record showing that the quarter  
in question was not vacant at the time of allotment

and it became vacant only on 3.10.92. Obviously, the respondents have not stated the facts correctly so far as quarter No. 150/H type II are concerned. It is also clear that the totality of circumstances does show that the applicant has not received a fair deal in allotment of various types of quarter, either type II or type III.

6 In the light of the facts as brought out above I am of the view that this O.A. can be disposed of by issuing a proper direction to the Railway Administration. I therefore dispose of the O.A. by passing the following order.

ORDER

7 O.A. is allowed. The respondents are directed to consider the case of the applicant for allotment of type II Railway quarter or type III Railway quarter which ever falls vacant first. Action in this regard should be taken within four months of the communication of the order. There is no order as to costs.

*M.R. Kolhatkar*

(M.R. Kolhatkar)  
Member (A)