

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 985/94

Transfar Application No:

DATE OF DECISION: 29.11.1994

Shri R.Subramanyam & Anr. Petitioner

Shri S.N.Pillai Advocate for the Petitioners

Versus

Union of India & Ors.-----Respondent

Shri S.C.Dhawan Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Shri

1. To be referred to the Reporter or not ? *no*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *no*


(M.S.DESHPANDE)

VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 985/94

Shri R.Subramanyam & Anr. ... Applicants

V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande

Appearance

Shri S.N.Pillai
Advocate
for the Applicants

Shri S.C.Dhawan
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 29.11.1994

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

By this application the applicant seeks a direction to the respondents to regularise the quarter which the Applicant No. 1 was occupying in the name of the applicant No. 2 who is the married daughter of Applicant No. 1.

2. The applicant No. 1 who was a Railway employee retired on 31.10.1993. Applicant No. 2 is also a Railway employee since 11.9.1989 and was sharing accommodation with the applicant No. 1 from 1.4.1990 to 31.10.1993. On 2.7.1993 the applicant filed an application for allotting the quarter occupied by applicant No. 1 to the applicant No. 2 on out of turn basis. That application was rejected and the applicant filed an original application before the Tribunal seeking relief. A direction was made in that case that the respondents should pass a speaking order. On 15.6.1994 an order was passed by the respondents rejecting the applicant's request on the ground that she

was the married daughter of the applicant No. 1 and was not entitled to out of turn allotment.

3. The rules which have been produced at Exhibit 'A-7' make no distinction between a son and a daughter and between daughters who are married and who are not married in the matter of allotment of quarters. The applicant No. 1's son though he resided with the applicant was not a Railway employee and was not sharing accommodation with Applicant No. 1. The applicant No. 2, as has been mentioned in the application, had been sharing accommodation with the Applicant No. 1 and has not claimed any HRA. There was no justification in the circumstances for the respondents to refuse an out of turn allotment to the applicant because she fulfils the eligibility which is prescribed in the rules.

4. In the result, the application is allowed. The respondents are directed to allot to the applicant on out of turn basis the accommodation which was occupied by Applicant No. 1. The DCRG of the Applicant No. 1 which was withheld shall be paid to the Applicant No. 1 because that could not have been withheld in the present circumstances. The DCRG shall be paid within two months from the receipt of a copy of this order together with interest as per rules.


(M.S.DESHPANDE)
VICE CHAIRMAN

mrj.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY.

Review Petition No.7/1995
in
Original Application No.985/94.

R.Subramanyam & another. ... Applicants.

V/s.

Union of India & Ors. ... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande,
Vice-Chairman.

ORDER ON REVIEW PETITION BY CIRCULATION :

(Per Shri M.S.Deshpande, Vice-Chairman) Dt.13.1.1995

By this Review Petition the applicants seek the review of the order dt. 29.11.1994. The learned counsel for the Respondents was heard before passing the order ^{in the matter} and most of the points which have been mentioned in the Review Application were not even referred to during the course of arguments and there is no question of there being any error apparent on the face of the record. The thrust of the review application appears to be that the order passed by the Tribunal earlier was an erroneous order and if that is the apprehension, review application is not the remedy for getting the findings corrected. With regard to the withholding of gratuity, the matter is no longer res-integra in view of the Full Bench decision of the Tribunal in Wazir Chand V/s. Union of India & Ors.

2. The Review Application is therefore dismissed.


(M.S.DESHPANDE)
VICE-CHAIRMAN

B.

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R.P.N. 7/95
by circulation
2/11

M. 13/1/95
Order/Judgement despatched
to Applicant/Respondent(s)
on 25/1/95
4/2/2

M.P.N. 17/1/95
for extension
of time, heard
on 2-3-95
3/20/2

C.P.N. 36/95
heard for order
on 21/3/95.
3/23/2

Dated: 2-3-95
Sl. No. 15.

Shri S.N. Pillai, Counsel for the
applicant. Shri S.C. Dhawan, Counsel
for the respondents.

The Tribunal vide its order
dated 29.11.94 directed to implement
the order within two months from the
date of receipt of this order. The
time expired on 5.2.95. The learned
Counsel for the respondents submit
that on receipt of the judgement
of the Tribunal they have preferred a
review petition. The review petition
was disposed of. Copy of the same
was received by them on 31.1.95.
The respondents have filed M.P. for
extension of time for implementation
of the order on 17.2.95 seeking
two weeks time. Applicant has
~~not~~ filed C.P. 36/95 subsequent
to the filing of the M.P. In the
circumstances respondents are
given time till 5.4.95.

List the case on 5.4.95
for orders on C.P. 36/95

M. K. Khatkar
(M.R. Kolhatkar)
M(A)

B. S. Hegde
(B.S. Hegde)
M.B.S.

2.

6

5/4/95
Sl. No. 2

None for the applicant.

Shri. S.C. Dhawan for
the respondents.

M.P. 171/95 stands disposed
of by the order dt. 2/3/95.

As regards C/P 36/95,
Shri. Dhawan states that
necessary orders have
already been issued. In
view of this, no order on
C.P. which is disposed
of as such.

VR/O

(P.P. Srivastava)
M(A)

(M.S. Deshpande)
V.C.

5.

(50) 16.6.1995.

Shri S.N. Pillai,
counsel for the applicant.

Issue notice to the
Respondents to file reply to
C.P. NO. 73/95 within two
weeks.

List the case on
24/7/1995 for orders.

(P.P. Srivastava)
M(A)

(B.S. Hegde)
M(J)

OS

Order/Luc. ~~to be~~ dispatched
to Applicant & Respondent (s)

12/7/95

6/6/95
c.p. no. 73/95
heard for orders
on 16.6.95

2
616

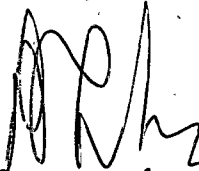
CP Notices issued to
Applicant/Respondents on
7/7

(7)

Dated: 24/7/95. (Sl. No. 48).

Applicant by Sh. S. N. Pillai.
Respondents by Sh. S. C. Dhawan.
Reply within four weeks.

Keep the case on 1/9/95
for orders.


(P.P. Srivastava) (M.S. Deshpande)
MCA) V.C.

Q

1-9-95
was declared
to be holiday
as per order
of Pujar (CM)

21/9/95

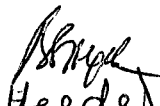
Shri S. N. Pillai, Counsel for
Applicant.

Shri S. C. Dhawan, Counsel for
Respondents.

The Respondents have filed
reply to CP-73/95 today.

CP-73/95 is listed
on 11/9/95.

M.R. Kolhatkar
(M. R. Kolhatkar)
M(A)
alp.


(B. S. Hegde)
M(J)

(8)

11/9/95-19

Shri S.N. Pillai, Counsel for
Applicant.

Shri S.C. Dhanwan, Counsel for
Respondents.

Counsel for Applicant seeks
a short adjournment.

So till 18/10/95.

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

B.S. Hegde
(B.S. Hegde)
M(S)

alip.

Per Tribunal

Date: 18/10/95

As there will be no Division
Bench, the matter fixed on
before the Tribunal is adjourned for
Admission hearing / directions / orders /
final hearing on 3/11/95

Inform the advocates / Parties
accordingly.

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Dy. Registrar

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG.NO.6, PRESCOT RD., 4th Flr.,

BOMBAY - 400 001.

C.P.73/95 in

O.A.No.985/94.

Dated : 22/12/95.

Heard Shri S.N.Pillai, Counsel for Applicant.

Shri S.C.Dhavan, Counsel for Respondents.

The Counsel for applicant has filed CP-73/95 in OA No.985/94 stating that inspite of the direction of the Tribunal dated 29/11/94, directing the respondents to allot the applicant out of turn basis allotment and to pay the DCRG of the applicant together with interest as per rules, they have not done so within the prescribed two months. The Counsel for applicant had filed CP-36/95 in the same OA, and the same was disposed of on 5/4/95. On 5/4/95, when the matter on CP was taken up the applicant's counsel was not present, the Tribunal had heard the respondent's counsel. The CP-36/95 was disposed of on the statement of the Counsel for respondents that orders had already been issued.

Applicant's Counsel states that the quarters have not been allotted to the applicant on 17/3/95 and the DCRG has been paid subsequent to the order of the Tribunal. The respondents also paid interest on 15/6/95 of Rs.7,879/- towards belated payment of DCRG and further interest on delayed payment has not been paid by respondents.

We are of the view, that if the applicant is still aggrieved on the amount paid, then he should make a representation to the respondents directly and respondents may consider the same. CP-73/95 is disposed of.

M.R. Kolhatkar

(M.R. KOLHATKAR)
MEMBER(A)

abp.

B.S. Hegde

(B.S. HEGDE)
MEMBER(J)