

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA.NO. 1241/95

Pronounced this the 24th day of January 1997

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

1. Deepak Ghosal
R/o 229/3273,
C.G.S.Quarters, Sector-VI,
Antop Hill, Bombay.
2. Yogendra Kumar,
R/o Room No. 24,
Community Centre, C.G.S.
Quarters, Sector-I,
Antop Hill, Bombay.
3. K.Venkata Subramanian,
R/o Type-217, C.G.S. Quarters,
Wadala (W), Bombay.

By Advocate Shri N.P.Dalvi

... Applicants

v/s.

Union of India through

1. Secretary, Ministry of Commerce,
Department of Supply,
Poorti Vibhag, 'C' Wing,
Nirman Bhavan, New Delhi.
2. Dy. Director General of Supplies
and Disposals, through D.G.S.&D,
5th Floor, New C.G.O. Bldg.,
New Marine Lines, Bombay.
3. The Estate Manager,
C.G.S. Bombay.
4. Central Railway through
General Manager, Bombay.

By Advocates Shri Ravi Shetty
for Respondents No. 1 & 2,
Shri V.S.Masurkar for Respondent
No. 3. None for Respondent No. 4.

... Respondents

ORDER (ORAL)

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

Heard Shri Dalvi for the applicants.

Shri Ravi Shetty for Respondents No. 1 & 2 and
Shri V.S.Masurkar for Respondent No. 3. None for
Respondent No. 4. The applicants are Group 'B'
Gazetted Officers of the rank of Assistant Director
Grade-II in the Directorate General of Supplies and
Disposals, New Delhi under the control of Department
of Supply, Govt. of India. The services of Applicants
No. 1 & 2 have been placed on transfer ~~at~~ Central Railway
by orders dated 31.3.1992 (Exhibit-'R-2') and services
of Applicant No. 3 have placed ~~at~~ Western Railway by
the same order.

2. The applicants impugn Department of Supply letter dated 16.8.1995 (Exhibit-'A') in which it is stated that "these officers would be permitted to retain Government accommodation in their possession for a period of six months from 10.5.1995 and that the allotments would stand cancelled w.e.f. 10.11.1995". It appears that eviction proceedings have accordingly been initiated and so far as Applicant No. 1 is concerned, Notice dated 31.10.1995 under Section 4 of the P.P.Act has been issued.

3. The reliefs sought by the applicants are as below :-

- "(a) The minutes of cabinet committee may be called and perused and after verifying the legality and propriety thereof, the decision of the cabinet committee as transpired in the letter dated 16th August, 1995, vide D.P.A-1/18(1)/95 A-1, be quashed and set aside.
- (b) The respondents may be directed to pass the appropriate order in respect of final settlement of terms and conditions of their services.
- (c) The respondents may be restrained from cancelling the allotment of quarters allotted to them till such decision is taken and communicated to the petitioners/Applicants in accordance with the law."

4. The applicants are still in the possession of quarters. The reliefs are apparently two fold (1) for final settlement of terms and conditions of (2) their service and restraining the relevant authorities from cancelling the allotment of quarters till such decision is taken. In this connection, it is noted from Exhibit-'R-1' Para 3.6 that :-

" In case of transfer of officers and staff to Ministry of Railways it has been decided in consultation with Ministry of Railways and Department of Personnel & Training (Ref, Department's O.M. No. 1/5/90-Special Cell dated 13.12.90) that these officers and staff will be absorbed in the respective cadres of Indian Railways. Pending completion of the absorption process corresponding number of officers and staff will be transferred on deputation, with the option to get absorbed in the Ministry of Railways."

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It is not disputed that terms and conditions of absorption in terms of Para 3.6 have not so far been finalised. The counsel for the applicants under instructions states that they have applied for quarters to the Railway authorities. But the same have not been allotted to them and although there is no reply, the information is that in the absence of terms and conditions the Railway authorities would not do so. ~~No~~ ^{by Railways} appearance has been put in/though notice was sent to the Central Railway.

5. Learned counsel for Respondent No. 3 has argued that this is a joint application and no permission for joint application has been sought and granted, that there are no pleadings related to Estate Manager and the matter does not rest with the Estate Manager ~~who~~ acts in accordance with the order of Ministry of Urban Development dealing with the Cabinet Committee on Accommodation and that the designations of the officers in the Railways have not been specified.

6. I have considered these submissions but in view of the orders passed by this Tribunal from time to time the permission to file application jointly is deemed to have been granted. It is ~~a~~ matter of record that Estate Manager was made a party and counsel had sought time to file reply on 29.11.1996 and a reply has not been filed till this date.

I am, therefore, not inclined to dispose of this OA. in terms of these technical submissions.

7. I am of the view, on the basis of facts which have been brought to my notice, that when the terms and conditions of absorption have not been finalised by Respondents No. 1&2, it would evidently be difficult for the applicants to secure accommodation from Railways where they are at present on deputation, eventually to be absorbed but without clear cut terms and conditions.

8. Under the circumstances, I dispose of this OA. by issuing the following directions :-

Respondents No. 1 & 2 are directed to finalise terms and conditions of absorption of the applicants in terms of O.M. dated 30.12.1991 (Exhibit-'R-1') particularly Para 3.6 within six months and pending the finalisation of terms and conditions Respondent No. 3 should not evict the applicants from the quarters at present allotted to them. If the terms and conditions are finalized within the stipulated six months, Applicants should be given a reasonable time to apply for and secure accommodation to which they are entitled in terms of Terms and conditions so finalized. There would be no order as to costs.

M.R.Kolhatkar
(M.R.KOLHATKAR)

MEMBER (A)

mrj.