

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.No. 1374/95

Date of Decision 6.3.1996

Shri Mohd Haroon Khan Petitioner

Shri Suresh Kumar Advocate for the Petitioner.

Versus

G.M.W.Rly, Bombay & Ors. Respondent

Shri V.S.Masurkar Advocate for the Respondents.

Coram:

The Hon'ble Mr. V.Ramakrishnan, Member (A)

The Hon'ble Mr.

1. To be referred to the Reporter or not? <sup>no</sup>
2. Whether it needs to be circulated to other Benches of the Tribunal? <sub>no</sub>

  
(V.RAMAKRISHNAN)  
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

QA.NO. 1374/95

Shri Mohd. Haroon Khan ... Applicant

V/S.

General Manager,  
Western Railway,  
Bombay & Ors.

... Respondents

CORAM: Hon'ble Member (A) Shri V.Ramakrishnan

Appearance

Shri Suresh Kumar  
Advocate  
for the Applicant

Shri V.S.Masurkar  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 6.3.1996

(PER: V.Ramakrishnan, Member (A))

Heard Shri Suresh Kumar for the applicant and Shri V.S.Masurkar for the respondent Railway administration.

2. The applicant who is a Railway employee was allotted Type-I accommodation in Bandra. The quarter allotted to him, viz. Quarter No. 14/T/2 does not have a Toilet. On the basis of his request, as per letter dated 25.10.1995 (Annexure-'A-2') another quarter No. 206/13 was made available temporarily in connection with some religious function. The applicant had specifically mentioned that he wanted this quarter No. 206/13-BAW which was vacant, only for a period of one week. Subsequently, he submitted a representation dated 23.11.1995 (Annexure-'A-5') where he had pleaded

the ill-health of his wife for retention of the other quarter, i.e. Quarter No. 206/13 which has toilet facility. The applicant approached the Tribunal towards the end of November, 1995 stating that the Railway administration had sent the RPF personnel to get him evicted from the quarter with toilet and he inter-alia prayed for an interim order to direct the respondents to allow him to stay in the quarter. The Tribunal by its order dated 28.11.1995 had directed the respondents not to evict the applicant from the Quarter No. 206/13 for 14 days from that day or till the representation is disposed of whichever is earlier. However, the representation was not disposed of within 14 days and the interim order was continued.

2. Shri Suresh Kumar contends that in view of the ill-health of the wife of the applicant, the applicant may be allowed to retain the Quarter No. 206/13 and he is ready to pay the rent at the rate of Rs.12/- per day for the retention of quarter with toilet till it is finally allotted to him. *He is ready to vacate the Quarter No. 14/7/2, on such allotment.*

3. Shri Masurkar highlighted the fact that the applicant had obtained the possession of the quarter *in addition to Quarter No. 14/7/2* No. 206/13 for some other reason, and specifically for a week and contends that as an after-thought he submitted a representation dated 23.11.1995 with a medical certificate from a private doctor. He argues that the applicant does

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not deserve any sympathy. He also mentions that both the quarters are the same Type of quarter, namely, Type-I and it is not for a Government servant to pick and choose a particular unit. He submits that whenever there is a request for change of quarter, it is considered by a Committee.

4. I have considered the rival contentions. In the facts and circumstances of the case, I deem it appropriate to direct the respondents to dispose of the representation of the applicant (Annexure-'A-5') for a change of residence within 14 days in accordance with the relevant rules and instructions such as refer~~ence~~ to the Housing Committee etc. The applicant will abide by the decision of the Railways but he is at liberty to approach the Tribunal if he is still aggrieved by the decision on his representation. The applicant is allowed to stay in the quarter with toilet facility till such time his representation is disposed of. I make it clear that in case the Railways decide to allot <sup>him</sup> a house with toilet, it may not be necessarily the Quarter No. 206/13. The Railways will communicate the decision in this regard to the applicant and depending on the decision if it becomes necessary the applicant will vacate the quarter No.206/13 within two days from the date of receipt of their letter. The applicant will be charged rent for the quarter No.206/13 at Rs.12/- per day as at present till the date vacation as above or till the date of regular allotment of the same to the applicant. With the above directions/observations the application is finally disposed of.

*V. Ramakrishnan*  
6/7/04  
(V.RAMAKRISHNAN)  
MEMBER (A)