

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 373/95
Transfer Application No.

Date of Decision : 16.6.95

1. Pranay S. Nagar
2. Dr. K.S. Nagar

Petitioner

Mr. A ~~Saxena~~ ANSARI

Advocate for the
Petitioners

Versus

U.O.I. & 2 ors.

Respondents

Mr. N.K. Srinivasan

Advocate for the
respondents

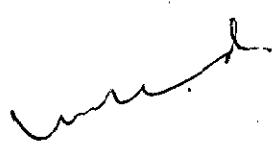
C O R A M :

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

The 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? no-


Vice Chairman

trk

(5)

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

O.A .No. 373/95

1. Pranay S. Nagar

2. Dr. K.S. Nagar

..Applicants

V/s.

Union of India & 2 ors.

..Respondents

Coram: Hon. Shri Justice M.S. Deshpande, V.C.

Appearance:

Mr. A. Ansari
Counsel for the applicants

Mr. N K Srinivasan
Counsel for the respondents


ORAL JUDGMENT:

DATED: 16.6.95

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


The first applicant who is the son of the second applicant was appointed as an apprentice for the post of Electrical Chargeman for a period of two years on 10.8.92 and completed the probation on 2.8.94. The applicant no.2 who is the father of the applicant no.1 retired as Senior Medical Officer on 31.8.94. The applicants applied for allotment of Type III Railway Quarters which was in the occupation of the second applicant, from father to son basis ~~on~~ out of turn, but that application was rejected on the ground that the applicant was not eligible to the allotment of the quarter.

2. The contention raised on behalf of the respondents is that the period of apprenticeship of the applicant no.1 could not be reckoned for calculating the period of six months sharing. This cannot be



accepted as there are two decisions of the Bench of this Tribunal the first one O.A. No. 901/92 PARAS RAM SINGH decided on 31.5.94 which sets out that the training period is duty for the purpose of FR 26 and that gave eligibility to the applicant no.2 therein for allotment. In OA No.843/90 M.M.SIDDIQUI & ANOR. Vs. UNION OF INDIA decided on 2.6.94 it was held that the applicant no.1 there in who was appointed as apprentice and was later absorbed as a regular employee was entitled for allotment of the quarter as the apprenticeship would be counted as duty. Therefore there is no merit in the respondents' contention that the applicant did not fulfil the eligibility criteria.

3. Application is, therefore, allowed and the respondents are directed to grant to the applicant on out of turn allotment of the quarter occupied by the applicant no. 2 on father to son basis as applicant no.1 would be entitled to Type III quarters, which is in occupation of Applicant no.2. No order as to costs.


(M. S. Deshpande)
Vice Chairman

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
BOMBAY

REVIEW PETITION NO. 103 95

IN

ORIGINAL APPLICATION NO: 373/95

PRANAY S. NAGAR

and another

.... Applicants

V/s

Union of India

and Ors.

.... Respondents

REVIEW PETITION FOR AND ON BEHALF OF THE RESPONDENTS
UNDER Section 22(3) (f) of the ADMINISTRATIVE
TRIBUNALS ACT, 1985 read WITH RULE 17 of the
CENTRAL ADMINISTRATIVE PROCEDURE RULES 1987.

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To:

The Hon'ble Vice-Chairman,
and other PUS/NE Members of
this Hon'ble Tribunal.

THE HUMBLE REVIEW PETITION ON BEHALF OF
THE RESPONDENTS.

MOST RESPECTFULLY SHOWETH
MAY IT PLEASE YOUR LORDSHIPS,

1. The Respondents are filing the Review
Petition against the judgement and order dated
16/6/1995 of this Hon'ble Tribunal

...2/-