

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 795/97.

Date of Decision: 29/7/99

Shri R.Asokan Applicant.

Shri Suresh Kumar Advocate for  
Applicant.

Versus

Union of India & 22 Ors. Respondent(s)

Shri M.I.Sethna, alongwith  
Shri V.D.Vadhavkar Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. B.N.Bahadur, Member(A)

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

B.N.Bahadur

(B.N.BAHADUR)  
MEMBER(A)

abp.

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

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ORIGINAL APPLICATION NO:795/97  
Dated the 29th Day July,99.

CORAM:HON'BLE SHRI B.N.BAHADUR, MEMBER(A).

R.Asokan,  
Assistant Assway Supdt.,  
India Government Mint, Mumbai  
at present residing at  
Mint Staff Quarter at Mahim,  
"G" Building No.31, Type-III,  
Mahim, Mumbai. .... Applicant.

By Advocate Shri Suresh Kumar

v/s.

Union of India through  
Secretary, Ministry of Finance,  
Department of Revenue,  
New Delhi.

2. General Manager,  
India Government Mint,  
S.B.S.ROAD,  
MUMBAI - 400 001.

3. Estate Officer,  
India Government Mint,  
S.B.S.Road,  
Mumbai - 400 001.

.... Respondents

By Advocate Shri M.I.Sethna alongwith  
Shri V.D.Vadhavkar

( ORDER ) ( ORAL )

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This is an application made by Shri R.Asokan seeking relief  
as follows:-

- a. This Hon'ble Court be pleased to hold and declare that the action of the respondent in allotting the Quarter on the basis of appointment date in the service is against the rule framed by The India Mint Bombay Residential Quarters(Allotment) Rule 1987.
- b. the respondents be directed to allot the applicant Type-III quarter forthwith as the employee whose priority date is after the applicant are allotted the type-III Quarter and the applicant is left out.

- c. the respondents be directed to refund the amount of rent they have charged from the applicant for Type-III Quarters,
- d. Any other order as this Hon'ble Court may deem fit in the facts and circumstance of the case.

2. I have heard the learned counsels on both sides. On an analysis of the reliefs sought, (as reproduced above) it is clear, as admitted from the pleading on behalf of both sides today, that the relief sought at para-8(a) and (b) have become infructuous. Therefore no decision is necessary on these two reliefs.

3. As regard relief sought in para-8(c), the applicant has not pointed out clearly as to how he has been overcharged for the rent/licence fee which is higher than what he ought to have paid for a Type-III quarter. It would be in the fitness of things, and in fairness to both sides, that the applicant be allowed to make a representation at this stage with regard to relief at para-8(c). The respondents shall decide the representation in terms of law, and on merits and give reply to the applicant. There will be no necessity for this Tribunal to go into the calculation of rent due, rent paid, etc.

4. The OA is therefore disposed of in terms of the following orders:-

The applicant is at liberty to make a fresh representation to the respondent No.2 with regard to the relief sought at Sub para-(c) of para-8 within a period of one month from today. The respondents shall consider the application in accordance with law and rules, and decide it on merits within a period of two months, thereafter and send a reply to the applicant. The prayer for other reliefs is rejected. This application is disposed of in terms of orders above.

5. Liberty is granted to the applicant to take recourse to law in case he is dissatisfied with the decision taken by the respondents, and if he is so advised. There will be no orders as to costs.

B.N.BAHADUR

(B.N.BAHADUR)  
MEMBER(A)