

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 332/1998

Date of Decision: 16-04-1997

H.A. Khan

Petitioner/s

Mr. S.S. Karkera

Advocate for the
Petitioner/s

V/s.

U.O.I. & Ors.

Respondent/s

Mr. S.C. Dhawan

Advocate for the
Respondent/s

CORAM:

Hon'ble Shri Justice R.G. Vaidyanatha, V.C.

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*

R. S. Dhawan
Vice Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING No.6
PRESCOT ROAD, MUMBAI-400001

O.A. No. 332 of 1998

Dated : 16th April, 1998

Coram : Hon. Shri Justice R.G.Vaidyanatha, V.C.

H.A. Khan
retired Motor Man
Central Railway
Bombay CST

Mansur Ahmed Khan
Electrical Lineman-II
Metropolitan Transport Project
Central Railway
UNDER C.A.O. (C)
MTP Churchgate
Central Railway Bombay
residing at Railway Quarter No.
RB/III/8/12 Byculla Rly. Colony
Mumbai

(By Adv. S.S. Karkera)

..Applicants

V/s.

Union of India
through the General Manager
Central Railway
Bombay CST & 3 ors.
(By Adv. Mr. S.C. Dhawan)

..Respondents.

ORDER

(Per: R.G.Vaidyanatha, Vice Chairman)

1. Heard the learned counsel for the applicant.

Shri S.C. Dhawan, counsel takes notice for the respondents and opposes the O.A. After hearing both the sides the O.A. is being disposed of at the admission stage itself.

2. The main prayer in the O.A. is that the applicant is entitled for regularisation of the quarters which is in his possession as mentioned in the application. This point has already been concluded by an order of this Tribunal dated 26.8.97 in O.A. No. 607/97 whereunder a lengthy order this Tribunal has considered all the contentions and rejected the claim of the applicant for regularisation of quarters. In view of this order, the applicant cannot again re-agitate the question of regularisation.

3. The applicant approached the High Court against the order of the Tribunal by filing ~~appeal being~~ Writ Petition No. 5178 of 1997, but that Writ Petition came to be withdrawn as could be seen from the order of the High Court dated 7.11.97. However, the High Court made an observation that the applicant can approach the authorities for allotment of a quarter irrespective of ^{the} claim of regularisation. Therefore the High Court's observation is that the applicant may ask for allotment of any quarter and the authorities may consider the same as per rules. The applicant has since applied for allotment of a quarter and ~~is~~ now the learned counsel submits that he has been allotted another quarter. In view of this the applicant now gets an alternative accommodation. The applicant's case for regularisation of quarter on the basis of father to son ^{rule} is concluded by the previous order of the Tribunal in O.A 607/97 and the Writ Petition against that order has been withdrawn. Therefore by virtue of the principles of Resjudicata the Applicant cannot reagitate the same question again. Hence we do not find any merit in the O.A. In view of this order M.P. No. 246/98 does not survive and accordingly it is rejected.
4. For the above reasons the O.A. is rejected at the admission stage with no order as to costs.


(R.G.Vaidyanatha)
Vice Chairman