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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD

BENCH : AT HYDERABAD :

D.A.No.390/90.

Date of Judgment:19-7-1990.

V.Jayaraman

...Applicant

Vs.

1. The South Central Railway,
rep. by its General Manager,
Rail Nilayam, Secunderabad.
2. The Dy.Chief Mechanical Engineer,
Carriage Repair Shop,
S.C.Railway, Tirupati.
3. Work Shop Personnel Officer,
Carriage Repair Shop,
S.C.Railway, Tirupati.

...Respondents

Counsel for the Applicant : Shri P.Krishna Reddy

Counsel for the Respondents : Shri N.R.Devaraj, SC for Rlys.

CORAM:

HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

HON'BLE SHRI D.SURYA RAO : MEMBER (JUDL)

(Judgment of the Bench delivered by Hon'ble
Shri D.Surya Rao, Member (J)).

The applicant herein is working as Lab-Superintendent in the Chemical and Metalurgical Testing Laboratories, Carriage Repair Shop, Tirupati. He states that on 20-8-88 he applied for Type-IV quarters and he was allotted the same by an order dt.3-7-89. Subsequently he states that this allotment was made on the basis of his right and priority as per a list published. It is further stated that he received a memorandum ^{from} by the Respondent No.3

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informing him that he should vacate the Type-IV quarter immediately and occupy Type-III quarter in the west colony. He made representation to the 2nd respondent on 3-4-90 to declare that the order of the Respondent No.3 is illegal. He received a letter on 18-4-90 rejecting his representation and directing him to vacate the quarter, ^{up to 30-4-90} ~~from the respondent No.2.~~ He was given time/to vacate the quarter. Consequent to this order, he filed this application questioning the order of the Respondent No.2. Various ground has been raised in the application questioning the impugned order dt.18-4-90.

2. A counter has been filed on behalf of the respondents denying the claims of the applicant. It is stated that the applicant was not eligible for allotment of a Type-IV quarter. Though his name was shown in the priority list, subsequently by a correction slip dt.2-2-89 his name was deleted from the ~~pre~~^{re}said list staff eligible for Type-IV quarters because he is not eligible on the basis of his pay-scale. It is further stated that Type-IV quarters could be allotted to an ~~an officer~~^a of Group-'C' employee but it could be subject to a condition that he would have to vacate when a demand is made for it. ³¹⁻⁶ Further contended that ~~it is~~^{the} the purport of the CPN's letter No. TR/P.555/Qrs. dt-9-7-1988. In accordance with this order, the allotment was made to the applicant on 3-7-89 with a condition that/as and when a demand is made. It is

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contended that since the quarter was subsequently required for a Gazetted Officer, he was asked on 10-3-89 to vacate the same. Subsequently the order dt.18-4-90 rejecting his request for retention has therefore been passed validly.

3. We have heard Shri P.Krishna Reddy, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the Railways. Shri Krishna Reddy has raised various contentions in support of the plea that the applicant is eligible for allotment of Type-IV quarter and that he is not liable to be vacate therefrom as contended in the allotment letter dt.3-7-89. In our view the only point needs to be considered is whether the regulations relating to allotment of quarter by C.P.M. in Tirupathi, having regard to the number of Gazetted and Non-Gazetted Officers and the number of quarters actually available are valid. If the orders are valid there can be no infirmity in the order directing the applicant to vacate the Type-IV quarters. The C.P.M. in his memorandum dated 9-7-88 regulated as follows :-

"It is decided by CPM that block Nos. 52 to 56 consisting of 20 units and type-V, 2 units Nos.66 & 67 are to be earmarked for officers pool. Hence those Group 'C' employees who have asked for change of quarters from Type-III to Type-IV, though eligible, are not being

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considered for a change among the above units. However, they will be given preference according to their priority from the other 3 blocks of Type-IV which are being getting ready for allotment.

Further it is also decided to allot quarters to those Group 'C' employees who are eligible for type-IV as per priority from the officers pool with the condition that they have to vacate as and when demand is there from officers. They will be allotted alternative available accommodation from non-gazetted pool.

Having regard to the number of Officers at the Station and the number of quarters available it was open to the CPM to ear mark a specific number of quarters to Gazetted Officers. It was also open to him to direct that when gazetted officers were not available the quarters could be made available to Group-C employees conditionally viz., that they should vacate when the quarters are required for gazetted officers. Sufficient provision has been made to provide suitable ^{alternate} accommodation to the Group-C officer from the non-gazetted pool. Hence these regulations cannot be treated as arbitrary. Shri Krishna Reddy however states that the applicant is being asked to vacate the quarter not on the ground that the quarter is required for allotment to a Gazetted Officer, but because a Gazetted Officer transferred out

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and not vacated the quarter. Shri Devaraj states that the gazetted officer, who has been transferred is entitled to occupy the quarter for a limited period but that should not deprive the incoming officer of a quarter. In the circumstances, we find no illegality in the impugned order and it is not liable to be set aside. The applicant however is given one month time to shift his accommodation to the Type-III quarter allotted to him. In the circumstances application is dismissed but with the above direction. No order as to costs.

B.N. Jayasimha

(B.N. JAYASIMHA)
Vice-Chairman

D. Surya Rao

(D. SURYA RAO)
Member (J)

Dated : 19th July, 1990.
Dictated in Open Court.

[Signature]
DY. REGISTRAR (JUL)

To

1. The General Manager, S.C. Railway, Railnilayam, Secunderabad.
2. The Deputy Chief Mechanical Engineer, Carriage Repair Shop
S.C. Railway, Tirupati.
3. The Work Shop Personnel Officer, Carriage Repair shop,
S.C. Railway, Tirupati.
4. One copy to Mr. P. Krishna Reddy, Advocate
3-5-899, Himayatnagar, Hyderabad.
5. One copy to Mr. N.R. Devraj, SC for Rlys, CAT. Hyd. Bench.
6. One spare copy.

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APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. B.N. JAYASIMHA : V.C.

AND

THE HON'BLE MR. D. SURYA RAO : MEMBER (J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY : M (J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M (A)

DATE: 19/7/90

ORDER/JUDGMENT:

H.A./ R.A/C2A/No.

in

T.A.No.

W.P.No.

O.A.No. 396/90

Admitted and Interim directions issued.

Allowed.

Dismissed for Default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs.

