

25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA 148/91.

Date of Decision: 14-2-91.

Ch.Venkata Ratnam

....Applicant

Vs.

1. Senior Deputy General Manager,
South Central Railway, Rail
Nilayam, Secunderabad.

2. Divisional Railway Manager
(Personnel) South Central Railway
Hyderabad MG Division, Secunderabad.

....Respondents

Counsel for the Applicant : Shri E.V.Subba Rao

Counsel for the Respondents : Shri N.V.Ramana, SC for Rlys

CORAM:

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

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

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

The applicant herein is an employee of the South Central Railways working in the M.G.Division. While he was working as Chief Controller in Guntakal Division he was promoted as Assistant Operating Superintendent and posted at Hyderabad M.G.Division. After posting at Hyderabad M.G. Division he was allotted Type-IV quarter by an order dated 13-7-1989 issued by the 1st respondent. Thereafter the applicant was reverted to a substantive post of Chief Controller, but retained at Hyderabad. He claims that he is entitled to allotment of Type-IV quarter even in the ^{lower} earlier post of Chief Controller. By the impugned order dt. 2-1-1991 the 1st Respondent informed the applicant th

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he should vacate the quarter as his case is one of the un-authorised occupation of the quarter with effect from 23-11-1989. He was called upon to vacate the quarter within ten days. He states that he has submitted representation ^{a/p} dt.9-1-1991 in response to the notice dt.2-1-91 stating that the allotment was made to him duly ^{duly a/p} for ^{of a} quarter No.364 by an order No.1214/1/V 35 dated 13-7-1989. He also states that he is eligible for Type-IV quarter as he belongs to essential services. He therefore prayed for being permitted to retain in the said quarter. As no orders have been passed on his representation, he has filed the present application apprehending that he is likely to be forced to vacate the quarter No.364.

2. We have heard the learned counsel for the applicant Shri G.V.Subba Rao, learned counsel for the Applicant and Shri N.V.Ramana, learned standing counsel for the Respondents, who takes notice at the admission state and opposes the application. From the facts stated above it is clear that the applicant had made a representation on 9-1-1991 questioning the action of the 1st Respondent in issuing the impugned order dt.2-1-1991. The said representation is yet to be disposed-of. The application as such is premature under section 20 of the Administrative Tribunals Act, 1985 as six months time has to ~~be~~ elapse^a before the applicant can ^{we may} approaching ^a the Tribunal. However, notice that the applicant apprehends vacation from the quarter occupied by him

- 3 -

even before disposing of his representation. In these circumstances, while disposing of the application as premature we direct the respondents not to recover the penal rent until the representation dt.9-1-91 has been disposed-of by the competent authority. The respondents will also give an opportunity to the applicant being personally heard before passing an order on his representation. Till the disposal of his representation, he may be retained in the same quarter which is occupied by him at present.

3. According to the Original Application is disposed-of as premature with the above directions. No order as to costs.

B.N.Jayashimha

(B.N.JAYASIMHA)
Vice-Chairman

D.Surya Rao
(D.SURYA RAO)
Member (J)

Dated: 14th February, 1991.
Dictated in Open Court

S. Surya Rao
Deputy Registrar (J)

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To

1. The Senior Deputy General Manager, S.C.Railway, Railnilayam, Secunderabad.
2. The Divisional Railway Manager (Personel)
South Central Railway
Hyderabad MG Division, Secunderabad
3. One copy to Mr.G.v.Subba Rao, Advocate,
1-1-230/33, Jyothi Bhavan, Chikkadapalli, Hyderabad-020
4. One copy to Mr. N.v.Ramana, SC for Rlys, CAT.Hyd.Bench
5. One copy ~~xxx~~spare.

pvm

H.S.M

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

AND

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

AND

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

Dated: 14-2-1991.

~~ORDER~~ JUDGMENT:

M.A./R.A. /C.A. NO.

in

T.A. NO.

W.P. NO.

O.A. NO. 148/9

Admitted and Interim direction issued.

Allowed

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected.

No order as to costs.

