

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA 1510/93.

Dt. of Order:6-12-93.

P.B.Joseph

...Applicant

Vs.

1. The Dy.Chief Mechanical Engineer,
Personnel Branch, Carriage Repair
Shops, SC Rlys, Tirupathi,
Chittoor Dist.

2. The Workshop-Superintendent, Officer,
Tirupati, Chittoor Dist.

...Respondents

Counsel for the Applicant : Shri P.Sridhar Reddy

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

* * *

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI R.RANGARAJAN

: MEMBER (ADMN)

* * *

....2.

-2-

O.A.No.1510/93

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri P.Sridhar Reddy, learned counsel for the applicant and Shri N.V.Ramana, learned Standing Counsel for the respondents.

2. The applicant is working as Skilled Grade-III in the Carriage Repair Shop at Tirupathi. He was allotted quarters about four years back and it is stated that since then the applicant is residing with his family in the said quarters. The applicant had gone on leave from 27.10.1993. It is stated for the applicant that he applied for the leave referred to, to attend on his brother who was admitted at TB Hospital at Nellore and when he was affected with ~~tuberculosis~~ he was admitted in the Government Ayurvedic Hospital at Vijayawada and he is still undergoing treatment in the said hospital.

3. This OA was filed praying for cancellation of the Memo No.TR/P.227/PBJ., dated 1.11.1993 whereby allotment of the Quarters No.87/G, Type-I, East Colony in favour of the applicant was cancelled and the relevant portion therein reads as under:-

"The allotment of Rly.Qrs.No.87/G, Type.I, East Colony/CRS/TPTY in favour of Sri P.B.Joseph, T.No.3096, SK.Gr.III/Paint Shop/CRS/TPTY is hereby cancelled in view of the Security of the colony residents and based on the ~~XXXXXX~~ recommendations of C.I., A.P.Police Department/Renigunta.

contd....

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Copy to:-

1. The Dy. Chief Mechanical Engineer, Personnel Branch, Carriage Repair Shops, SC Rlys, Tirupathi, Chittoor Dist.
2. J.C. Rlys, Tirupathi, Chittoor District.
3. One copy to Sri. P.Sridhar Reddy, advocate, CAT, Hyd.
4. One copy to Sri. N.V.Ramana, SC for Rlys, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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6/12/83

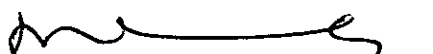
.. 3 ..

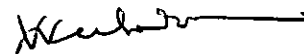
The above Railway Quarters may be vacated by the occupant immediately and the date of vacation should be advised to all concerned.

This has the orders of competent authority."


4. The contention for the applicant/^{that}there is an ~~impugnancy in the order of law~~ show cause notice, is tenable. Accordingly, the said memo is liable to be ^{set aside} ~~dismissed~~. But this order does not deprive the concerned authority to ~~xxxxxx~~ initiate proceedings for cancellation of the quarters in accordance with law after issual of a ~~a~~ show cause notice, if ^{the} circumstances warrant.

5. In the result, this OA is allowed at the admission stage by setting aside the impugned memo dated 1.11.1993. The 2nd respondent, the competent authority, is free to initiate proceedings for cancellation of the order of allotting the quarters in accordance with law after issual ~~initiation~~ if there is justification for such initiation. No costs.


MEMBER (ADAM:Y)


(V. NEELADRI RAO)

DATED: 6th December, 1993.
Open court dictation


Dy. Registrar (Jd. 1)

vsn

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M
O.A. 15/10/93

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CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (J)

AND

THE HON'BLE MR. R. BANGARAJAN : MEMBER (A)

Dated: 6/12/-1993

ORDER/JUDGMENT: _____

M.A./R.A./C.A. No. _____

O.A. No. _____

in

15/10/93

T.A. No. _____

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

