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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.1475 of 1995.

Between

Dated: 7.3.1996.

1. J.Venkata Rao.
2. J.S.Sivananda.

... Applicants

And

1. The Divisional Railway Manager, South Eastern Railway, Visakhapatnam.
2. The Senior Divisional Commercial Manager, O/O Divisional Railway Manager(C), South Eastern Railway, Visakhapatnam.
3. The Chief Personnel Manager, South Eastern Railway, Garden Reach, Calcutta.
4. The General Manager, South Eastern Railway, Garden Reach, Calcutta.

... Respondents

Counsel for the Applicants

: Sri. M.Kesava Rao

Counsel for the Respondents

: Sri. C.V.Malla Reddy, SC for RT

CORAM:

Hon'ble Mr. Justice -

Contd:...2/-

JUDGMENT

As per Hon'ble Sri R.Rangarajan, Member (Administrative)

There are two applicants in this O.A. The 1st applicant is a retired Railway employee retired as Office Superintendent in Group 'C' category on 31.5.89. The 2nd applicant is the son of the 1st applicant and he is also employed in Diesel Shed at Waltair. While in service, the 1st applicant viz. retired employee was allotted a Type-II Quarter bearing No.599/2 in Jail Area, Visakapatnam and he did not vacate the same even after his retirement.

2. The 2nd applicant who is the son of the 1st applicant was also appointed as Group 'D' employee in Railway Service on 21.6.1990 i.e. after a lapse of one year and 7 months from the date of retirement of his father viz. 1st applicant herein. Without vacating the quarter after the retirement, the 1st applicant approached the General Manager, South Eastern Railway, for allotting the said quarter to his son as his son is also a Railway employee and is the 2nd applicant in this O.A. But, that request was turned down by the impugned order No.WCM/QRS/RETN/WAT/JVR dt. 19.5.1995.

3. This OA is filed for setting aside the order dt. 19.5.1995 of R-2 holding it as arbitrary, illegal, without jurisdiction, discrimination in nature and contrary to the endorsement of the Hon'ble Minister of State of Railway dt. 20.1.1991 and for a consequential direction

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to the respondents to regularise the said Railway Quarter No.599/2, Type-II, Jail Area, Visakapatnam in favour of the 2nd applicant herein.

4. The learned counsel for the applicant relies on the Board's letter No.E(G/66/R1-11 dt. 25.6.1966 to state that the 2nd applicant is entitled for allotment of quarter on out of turn basis. But, a reading of this letter does not indicate that the submission of the learned counsel for the applicant is right in the above submission.

5. ^{2nd} The learned Standing Counsel submitted that the applicant being a Group 'D' employee, ~~is~~ is not entitled for Type-II Quarter and as he was employed in Railways much later than the retirement of his father who is the 1st applicant herein and that the 2nd applicant had not stayed with his father for six months as per Board's letter dt. 25.6.1966, he cannot get the said quarter on out of turn basis.

6. After the case ^{was} heard at length for some time, the learned counsel for the applicant submitted that he is withdrawing this case. But, he requested for a month's time before any eviction proceedings are contemplated by the respondents to get a suitable accommodation. The time asked for has to be granted on humanitarian grounds as he is in the Railway Quarter for quite some time and requires time for searching new accommodation. Hence, it will be in order if the respondents start proceedings to get the quarter vacated after a month after a receipt of a copy of this order



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aftr
i.e. on or ~~before~~ 15-4-1996.

7. In the result, the OA is dismissed as withdrawn subject to the condition that if any proceedings for getting the quarter vacated by the applicant are initiated, such proceedings should be initiated only on or after 15-4-1996.

8. No costs.

RR
(R.Rangarajan)
Member (Admn.)

Dated 7th March, 1996.
Dictated in open court.

AVR (5-2-96)
Deputy Registrar (Judl.)

Grh./sd.

Copy to:-

- 1.- The Divisional Railway Manager, South Eastern Railway, Visakhapatnam.
2. The Senior Divisional Commercial Manager, O/O Divisional Railway Manager(C), South Eastern Railway, Visakhapatnam.
3. The Chief Personnel Manager, South Eastern Railway, Garden Reach Calcutta.
4. The General Manager, South Eastern Railway, Garden Reach, Calcutta.
5. One copy to Sri. M.Kesava Rao, advocate, CAT, Hyd.
6. One copy to Sri. C.V.Malla Reddy, SC for Rlys, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

R. Ranga Raju
HON'BLE SHRI A.B. GORTHI : MEMBER(A)

HON'BLE SHRI

DATED: 7/3/96

ORDER/JUDGMENT

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

D.A. NO. 1475/95

COMMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER A'S TO COSTS

* * *

No Specie Copy

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
डेपार्टमेंट/DESPATCH
24 MAR 1996 New
हैदराबाद आवादी
HYDERABAD BENCH

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