

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 189 of 2003

Jabalpur, this the 2nd day of April 2003.

Hon'ble Mr. R.K. Upadhyaya - Member (Admnv.)
Hon'ble Mr. A.K. Bhatnagar - Member (Judicial)

Ashok Tiwari,
aged about 53 years,
S/o Shri C.L. Tiwari,
Divisional Personnel Officer (Retd)
R/o Quarter No.C-8, South Civil Lines,
Jabalpur (MP)

APPLICANT

(By Advocate - Shri S. Nagu)

VERSUS

1. Union of India,
through the Secretary,
Ministry of Railways,
Government of India,
Rail Bhawan,
New Delhi.
2. Divisional Railway Manager
(Personnel)
Jabalpur Division,
Jabalpur (MP)
3. Divisional Railway Manager,
Bhopal Division,
Bhopal (MP)

RESPONDENTS

ORDER (Oral)

By R.K. Upadhyaya, Member (Admnv.) :-

This application has been filed by the applicant seeking several reliefs in respect of Railway Quarter No. C-8, South Civil Lines, Jabalpur which was initially allotted to the applicant by order dated 31/03/1997. It is claimed by the learned counsel of the applicant that the said quarter was earmarked for dismantling because of damage caused by earthquake on 22/23-05-1997. It is further stated by the learned counsel that in view of the fact that he was not allotted alternative accommodation he did not vacate the said quarter. Subsequently he was sent on

2/2/03

temporary transfer to Bhopal as per order dated 10/02/1999 and the applicant was also given notice dated 07/06/1999 for vacatation of the quarter. The learned counsel claims that being a temporary transfer to Bhopal he was entitled to retain the accommodation allotted to him during the temporary transfer. Thereafter the applicant was transferred to Parel by order dated 09/06/2000 and because of his personal problems including his ill health, the applicant voluntarily retired from Government service with effect from 17/01/2003. Now by the impugned orders dated 16/11/2000 (Annexure A/13), 17/01/2002, 06/02/2003 (Annexure A/26), 06/03/2003 (Annexure A/28), 13/03/2003 (Annexure A/30) the applicant has not only been treated as unauthorised occupant of Government accommodation, but also has been charged damage connection rent and electricity and water supply has also been withdrawn. The learned counsel of the applicant states that the retired Government servant is entitled to retain his official accommodation allotted to the employee upto 4 months from the date of retirement and that period has not yet been over. Therefore the respondents be directed to restore the electricity and water connections to the applicant in view of the fact that the applicant has since voluntarily retired and he is about to vacate the accommodation after payment of his retiral dues.

2. We have heard learned counsel of the applicant and have perused the material available on record. without expressing any opinion on the merits of the claim of the applicant, we are of the view that the applicant should make a fresh representation to respondent No. 3 stating his grievances. He may also file a copy of this OA as supplementary representation for consideration of respondent No. 3. The applicant may file such a representation including copy of this order and copy of this OA within one week from

(Signature)

today. If the applicant complies with the direction as aforesaid, the respondent No. 3 is directed to consider the claims of the applicant including his claim for restoration of electricity and water connections in accordance with existing rules on the subject within a period of 2 weeks from the date of receipt of copy of this order alongwith the representation and copy of this OA by a speaking order under intimation to the applicant. We may clarify that this order in no way be treated as an order regularising the unauthorised occupation of the applicant if he is treated so in accordance with the rules.

3. In view of our directions in the preceding paragraph this OA is disposed of at the admission stage itself without any order as to cost.

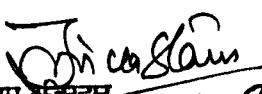

(A.K. BHAVNAGAR)
MEMBER (J)


(R.K. UPADHYAYA)
MEMBER (A)

प्रांकज सं ओ/व्या.....जबलपुर, दि.....
पतिलिखि "A" अवे ठितः—

(1) सदैव, उच्च व्यायामय दार एस्टेशन, जबलपुर
(2) उच्च व्यायामय दार के काउंसल
(3) उच्च व्यायामय दार के काउंसल
(4) उच्च व्यायामय दार, जबलपुर व्यायामय

S. J. J. Ade
SA J. Ch. Madhikar, Ade


उप सचिव
7.4.83

Issued
7.4.83
BB