

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Reply not  
filed

OA No.197/2005.

2.8.2005.

None is present for the applicant.  
Mr. Tej Prakash Sharma Counsel for the  
respondents.

Learned Counsel for the respondents seeks  
time to file reply. List the case on  
25.8.2005.

(KULDIP SINGH)  
VICE CHAIRMAN

P.C./

OA No.197/2005.

25.8.2005.

Mr. P. N. jatti counsel for the applicant.  
Mr. Tej Prakash Sharma counsel for the  
respondents.

Learned counsel for the respondents submits  
that reply has been filed. Registry is directed to  
place the same on record. Let the matter be listed  
on 27.9.2005.

(M. L. CHAUHAN)  
JUDICIAL MEMBER

P.C./

OA No.197/2005.

27.9.2005.

Mr. P. N. Jatti counsel for the applicant.  
Mr. Tej Prakash Sharma counsel for the  
respondents.

Heard. The OA has been disposed of by a  
separate order.

(M. L. CHAUHAN)  
JUDICIAL MEMBER

Reply filed  
on 28/8/05

Rejoinder not  
filed

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA Nos.197/2005.

Jaipur, this the 27<sup>th</sup> day of September, 2005.

**CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.**

Smt. Narangi Devi  
W/o Late Shri Ram Charan  
Aged about 45 years,  
R/o near Railway station Post Office.

... Applicant.

By Advocate : Shri P. N. Jatti.

Vs.

1. Union of India through  
Secretary to the Govt. of India,  
Department of Posts,  
Ministry of Communication, Dak Bhawan,  
Sansad Marg,  
New Delhi.
2. Principal,  
Chief Post Master General,  
Rajasthan Circle,  
Jaipur-7.
3. Senior Superintendent,  
Railway Mail Service,  
Jp Dn., Jaipur.
4. Rajendra Shekhawat,  
Chowkidar,  
O/o Senior Superintendent,  
Railway Mail Service,  
Jp Dn., Jaipur.

... Respondents.

By Advocate : Mr. Tej Prakash Sharma.

: O R D E R :

Per M. L. Chauhan, Judicial Member.

*W*

The applicant has filed this OA thereby praying for the following reliefs :-

"8.1 That by a suitable writ/order or the direction the impugned order dated 23.3.2005 vide annexure A/1 be quashed and set aside and further the respondents be directed to allot the quarter J-1 which was vacated by Shri Parasmal on 19.2.2005 and the applicant submitted application to the respondent for allotment on 21.2.2005.

8.2 That the humble applicant prays that any other quarter except J-35/1 be allotted to the applicant which is equipped with all the facilities of a quarter.

8.3 Any other relief which the Hon'ble Bench deems fit."

2. The facts of the case are that the applicant while working as Safaiwali, submitted an application for the allotment of Quarter from time to time and lastly on 2.4.2004. It is not in dispute that the Basic Pay of the applicant, at the relevant time, was Rs.3235/- and, as such, she was entitled to Type-II quarter. The grievance of the applicant is that she requested the respondents vide her application dated 21.2.2005 for the allotment of a Quarter No. J-1/Type-I, for which admittedly she was not entitled but the same has been wrongly allotted to Respondent No.4. It is on these basis, the applicant has filed this OA thereby praying for the aforesaid reliefs.

3. The Respondents have filed reply. The facts as stated above have not been disputed. The Respondents have stated that though the applicant was entitled to Type-II quarter and she has also submitted an application dated 2.4.2004 but she again submitted an application

dated 21.2.2005 thereby requesting for allotment of Quarter No.J-1/Type-I for which she was not eligible. She was only eligible to Type-II quarter, yet being a lady employee her request was considered for lower type of accommodation and she was allotted Quarter No.J-35 Type I vacated by Shri Rajendra Singh, Chowkidar, but she refused to take possession.

4. I have heard the Learned Counsel for the parties and gone through the material placed on record. I am of the view that the applicant was not entitled to Quarter No.J-1, Type-I which is not a Type-II quarter as her entitlement was <sup>for</sup> Type-II quarter. Thus, the action of the respondents whereby Quarter No.J-1, allotted to Respondent No.4 cannot be faulted. Equally I am of the view that it was not legally permissible for the respondents to make allotment of another quarter of Type-I i.e. Quarter No.J-35/I to the applicant when she has not requested for the same and she was not eligible for Type-I quarter. As such, the action of the respondents in allotting the aforesaid quarter vide order dated 23.2.2005 (Annexure A/1) cannot be upheld. Learned Counsel for the applicant submits that since she is entitled to Type-II quarter and she has also made application for the same, the respondents may be directed to consider her case for allotment of Type-II quarter. Since the applicant is entitled to Type-II quarter, I see no reason why the respondents will not consider her

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