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**21.01.2009**

**OA No. 26/2008**

Mr. Amit Mahur, Counsel for applicant.  
Mr. S.C.Purohit, Counsel for respondents.

Learned counsel for the respondents informed that applicant had refused to accept the entitled class of accommodation.

Learned counsel for the applicant submitted that he will verify this fact from his client.

Respondents are directed to file Additional Affidavit as directed vide order dated 22.12.2008.

List it on 28.01.2009.

*Signature*  
**(B.L.KHATRI)**  
**MEMBER (A)**

AHQ

**28.01.2009**

**OA No. 26/2008**

Mr. Amit Nath Mathur, Counsel for applicant.  
Mr. Vishwaswar Dutt, Proxy counsel for  
Mr. S.C. Purohit, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.

*Signature*  
**(B.L.KHATRI)**  
**MEMBER (A)**

AHQ

*Additional Affidavit*

*not filed*

*Signature*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 28<sup>th</sup> day of January, 2009

**ORIGINAL APPLICATION NO. 26/2008**

**CORAM:**

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Harial Meena son of Shri Nain Ram, aged about 46 years, resident of Bandikui, District Dausa, Rajasthan. Presently working as Gateman at North Western Railway, Bandikui.

.....APPLICANT

(By Advocate: Mr. Amit Nath Mathur)

VERSUS

1. Union of India through General Manager, North Western Railway, Opposite Rajputana Hotel, Jaipur.
2. The Divisional Railway Manager, North Western Railway, Jaipur.
3. The Chairman, Housing Committee and Assistant Divisional Engineer, North Western Railway, Bandhikui, District Dausa.

.....RESPONDENTS

(By Advocate: Mr. Vishvaswar Dutt proxy to Mr. S.C. Purohit)

**ORDER (ORAL)**

**PER HON'BLE MR. B.L. KHATRI**

The applicant has filed this OA under Section 19 of the Administrative Tribunal's Act, 1985 thereby praying for the following reliefs:-

"(i) Impugned order dated 16.1.2008 (Annexure A/1) passed by respondent No. 3 may kindly be quashed and set aside.

(ii) Respondents may kindly be directed to allot quarter No. 158/A to the applicant.

(iii) Any other order, if passed by the respondents during the pendency of the OA prejudice to the interest of the applicant and adversely affect his rights may kindly be taken on record by this Hon'ble Tribunal and be quash and set aside.

*for*


(iv) Cost of the Original Application be awarded in favour of the humble applicant.

2. Briefly stated facts of the case are applicant had made a representation dated 26.11.2007 (Annexure A/2) to the respondents for allotment of Type III Quarter No. 158-A as the said quarter was lying vacant, which was near the railway crossing. Again the applicant submitted representation dated 03.12.2007 (Annexure A/3) and 13.12.2007 (Annexure A/4) of allotment of Type III Quarter No. 158-A, which was lying vacant.

3. The respondents have filed an Affidavit stating therein the applicant was allotted House Type II T/186-H on 30.01.2008. After allotting the said quarter to the applicant, the letter was sent to the applicant for taking possession of his house vide letter dated 12.02.2008 (Annexure R/3) but the applicant refused to take the letter and noted in the letter that he wants another quarter.

4. From perusal of the affidavit of the respondents it is evident that applicant had not taken the possession of allotment of Type II Quarter No. T/186 as he wants to take another quarter. The contention of the learned counsel for the applicant is that applicant wanted bigger quarter of Type III. Under such circumstances, the respondents are directed to consider the application of the applicant for allotment of Type III quarter as & when it is available.

5. With these observations, the OA is disposed of with no order as to costs.

  
(B.L. KHATRI)  
MEMBER (A)

ahq