

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2779/2003

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This the 17th day of November, 2003

HON BLE SH. KULDIP SINGH, MEMBER (J)

Smt. U.K. Sharma,
Chief Matron,
Northern Railway, Central Hospital,
New Delhi-110001.

R/o Quarter No.159/6 (1st Floor),
Railway Colony, Basant Road,
New Delhi-110001.

(By Advocate: Sh. R.K. Sarkar)

Versus

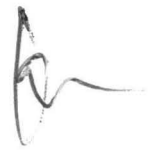
Union of India through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi-110001.
2. Medical Director,
Northern Railway Central Hospital,
New Delhi-110001.
3. Chairman,
Central Hospital Housing Committee
through Medical Director,
Northern Railway Central Hospital,
New Delhi-110001.

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

The quarter No.159/5 was allotted to the applicant on the acceptance of request for mutual exchange of 159/6 that is the applicant and occupier of quarter No.159/5, another employee who was likely to retire. When this mutual exchange was accepted a condition was put that both the applicants were required to submit the written physical exchange report within 15 days. Thereafter the Director (Medical), under whom the applicant is employed passed the impugned order noting down that since applicant has not shifted in the stipulated time, i.e. 15 days therefore the mutual exchange of the quarters automatically stands cancelled. The occupier of the ground



floor has retired on 31.1.2003. The Medical Director then referred the matter to the authorities to decide about allotment of the Railway quarter by the Allotment Committee.

2. This order of the Medical Director is being challenged on the ground that the Medical Director, who has cancelled the allotment of the quarter of the applicant, has no jurisdiction in the matter since the Central Hospital Housing Committee is not competent to cancel the Railway quarter which had been earlier allotted to the applicant.

3. He further submitted that no show cause notice has been issued to him. Besides that applicant has again prayed that since he is a patient of Arthritis, he is entitled for ground floor accommodation. Facts are not in dispute. The applicant has submitted that mutual exchange was accepted with condition that the parties were to exchange the flat within 15 days. It is also admitted that till date the applicant had not occupied the quarter in question meaning thereby that mutual exchange though allowed was not acted upon by the parties. As such mutual exchange did not take place.

4. Since the matter has been referred by the Medical Director to the Housing Committee for allotment of quarter in accordance with rules, it is only Housing Committee who is competent to consider the same. Housing Committee may consider even the claim of the applicant on merits. Accordingly, OA stands disposed of.


(FULDIP SINGH)
Member (J)