
(2000) 07 RAJ CK 0038

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2031 of 2000

Union of India (UOI) and Others

APPELLANT

Vs

Laxminarayan and Another

RESPONDENT

Date of Decision : 28-07-2000

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2001) 1 WLN 15

Hon'ble Judges : A.R. Lakshmanan, C.J.;Rajesh Balia, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

AR. Lakshmanan, C.J.—The General Manager Western Railway, Mumbai is the petitioner in this writ petition filed under Article 227 of the Constitution of India. The writ petition is directed against the order of the Central Administrative Tribunal, Jodhpur in Original Application No. 330/98 dated 1.10.1999, filed by the respondent (herein), praying for setting aside the order dated 2.12.1998 in so far as it relates to allotment of Railway quarter No. L/166 to him and quarter No. L/35 to one Shri P.C. Gupta and for a direction to the respondents (therein) to allow him to continue to stay in Railway quarter No. L/35 till he remains posted at Abu Road.

2. It is seen from the records that the Railway administration have allotted the quarter No. L/35 to P.C. Gupta and another quarter No. L/166 in the same colony to respondent Laxminarayan. It is the contention of the respondent that he was working as Loco Foreman and was accordingly allotted the quarter No. L/35. The Foreman posted earlier in Abu Road were allotted the earmarked quarter No. L/35 and they continued to occupy the same quarter on their promotion to the post of Chief Loco Inspector and, therefore, he prayed that he may be allowed to continue in the same quarter No. L/35 as on his promotion to the Chief Loco Inspector he is posted at the same station.

3. The Central Administrative Tribunal, after considering the claim of rival parties, held that there is no justification in shifting a person from one to another quarter in the same colony on his continued posting at the same place simply on the ground of his promotion to the post of Chief Loco Inspector. The Tribunal set aside the order of the Railways in so far it relates to allotment of Railway quarter No. L/166, Type-IV, to the respondent (herein) and allowed the respondent to continue in quarter No. L/35 till he is transferred out of Abu Road. This order is challenged by the Railways.

4. Mr. R.K. Soni, learned Counsel for the Union of India, submitted that the Tribunal has exceeded its jurisdiction and has even gone to regularise the allotment de hore the allotment made by the Railways. The Tribunal has substituted its wisdom for that of the departmental authorities.

5. We have perused the pleadings and documents on record and have heard the learned Counsel.

6. It is not in dispute that the Railway administration have in many instances allowed the employees to continue to occupy the earmarked quarters. It is not in dispute that quarter No. L/35 and quarter No. L/166 are both Type-IV quarters. The respondent is living in quarter No. L/35 for a considerable period. We do not see any justification for shifting the respondent from one quarter to another quarter of the same type in the same colony. It is not disputed that he is still continuing at the same station on the higher post. Simply because a person has been promoted to the post of Chief Loco Inspector he could not be required to shift from one quarter to another of the same type. We see no merit in the writ petition and it fails.

7. The (writ petition is accordingly dismissed.