

Union of India and Others

Vs

Surajdeo Podar and Others

Civil Appeal No. 2736-2737 of 1998

(G. T. Nanavati, S. P. Kurdukar JJ

08.05.1998

ORDER

1. Leave granted.

2. Heard learned counsel for the parties.

3. The respondents are employees of Eastern Railway and we working in Jamalpur Workshop. They are staying in the outhouses of the Bungalows, allotted by the Railway to its senior officers, with permission of those officers. They approached the Central Administrative Tribunal, with a prayer that the Railway should be directed to allot the outhouses in which they are staying directly to them as a matter of their right. The Railway Administration opposed that prayer on the ground that the bungalows including the outhouses are allotted to the officers as they are entitled to that type of accommodation and that the outhouses are not independent premises which could be allotted to the respondents.

4. The Tribunal was of the view that

"the outhouses attached to big bungalows are an anachronism. They are relics of a feudal system in which the Bara Sahib lives in a big bungalow and a large number of servants are menials at their beck and call living in the outhouses. All that the applicants want is that they may be given the same outhouses as a matter of right as given to other employees at other stations and also at Jamalpur so that the applicants could live with dignity and their continuance would not be dependent on the whims of the allottee of the main bungalow".

5. Taking this view, the Tribunal directed the Railway Administration to allot the outhouses to the respondents within three months. The Union of India and the Railway Administration challenge that order in this appeal.

6. It was contended by the learned counsel for the appellants that the applicants had no such right and therefore the Tribunal went beyond its jurisdiction in directing the Railway Administration to allot those outhouses to the applicants concerned. The learned counsel for the respondents could not show any rule or term of service entitling the applicants to reside in such outhouses, and fairly conceded that they do not have any such right. In showing its concern for the employees, the Tribunal failed to consider this aspect. It also failed to appreciate that the outhouses are a part and parcel of the bungalows allotted to the officers and that the officers are entitled to such type of accommodation. The respondents have been permitted to stay in the outhouses by the officers and

their occupation of those outhouses is only permissive. As the applicants had failed to establish any right to occupy such premises or even their entitlement to such type of accommodation, the Tribunal ought to have dismissed their application. The Tribunal went much beyond its jurisdiction in giving the impugned direction and therefore the order passed by the Tribunal cannot be sustained.

7. We, therefore, allow appeals and set aside the order passed by the Tribunal.

8. No order as to costs.