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CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, Mumbai.

ORIGINAL APPLICATION NO. 563.2019

DATE OF DECISION:- 10.01.2020

**CORAM:- RAVINDER KAUR, MEMBER (J)**

Shri.Kishore Kumar Khare,  
IDSE EE(SG), (MES- 405459),  
Joint Director (Plg & Wks)  
Director General Naval Projects,  
Mumbai - 400023.

And

R/at: Flat N.E-202,  
The Springs Apartment,  
Plot No.4, Sector-20, Readpali, Kalamboli,  
Navi Mumbai, 410218.

....Applicant

**(By Advocate Mr. K. B. Rajan)**

*Versus*

1. The Union Of India (Through) The Secretary, Ministry of Defence, DHQ. P.O., New Delhi-110011.
2. The Chief of Army Staff, Army Headquarters, New Delhi - 110011
3. The Chief of Naval Staff, Naval Headquarters, New Delhi 110011.
4. The Chief Engineer, Southern Command, Pune - 411001.
5. General Officer Commanding-in-Chief, Headquarters Southern Command, Pune - 411004.
6. Flag Officer commanding-in-Chief, Headquarters Western Naval Command, Mumbai - 400001.
7. The Station Commander, Mumbai Sub Area (Accn. Cell), Mumbai - 400005.
8. Chief Engineer (Navy) Mumbai,

- 26 Assay Building,  
Colaba, Mumbai - 400005.
9. Director General Naval Projects,  
Naval Dock Yard, Mumbai-400001.
10. General Officer Commanding,  
MG & G Area, Colaba,  
Mumbai - 400005.
11. The Engineer - in -Chief,  
E-in-C's Branch, Kashmir Gate,  
Rajaji Marg, New Delhi - 110011.

(By Advocate Shri R. R. Shetty and P. Khosla)  
.....Respondents

ORDER (ORAL)

**Present:**

The applicant has appeared in person along with his counsel Shri K. B. Rajan.

Shri R. R. Shetty, learned counsel for the respondent nos. 1 to 8, 10 and 11. Shri P. Khosla, learned counsel for respondent no. 9.

2. This application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“8.1 To direct all the Respondents specifically the Respondent Nos. 7 & 8 to maintain a common pool of MES CGOS working in MES establishment under the Respondent No.7, No.8 and No.9 for allotment of married accommodation in a single lot.

8.2 To direct all the Respondents specifically the Respondent Nos. 7 & 8 to maintain a common pool of MES CGOS working in MES establishment under the Respondent No.7, No.8 and No.9 for allotment of married accommodation based on the date of officer joining duty on transfer in Mumbai area and not with based on the original date of appointment in service.

8.3 To direct all the Respondents specifically the Respondent Nos. 7 & 8 to maintain a common pool of MES CGOS working in MES establishment under the Respondent No.7, No.8 and No.9 for allotment of married accommodation considering all the quarters in both the buildings viz Chitralekha and Viswakarma as a single unit.

8.4 Order and direct the respondents to reinstate the seniority of No.1 in waiting list for allotment of married accommodation to the Applicant as his position of seniority

while he joined on transfer in July, 2018.

**8.5** This Hon'ble Tribunal be pleased to hold and declare that the applicant is the first person entitled to be allotted type 5 quarters in Chitralekha and/or in Viswakarma building whichever becomes vacant after the date of filing this original application.

**8.6** This Hon'ble Tribunal be further pleased to direct the Respondent Nos. 7 & 8 not to exclude the applicant and or any CGOS from the Respondent No.9 for allotment of quarters in Chitralekha building but consider them also in a common pool along with the rest of MES CGOS under Respondent Nos. 7 & 8.

**8.7** This Hon'ble Tribunal may be further pleased to order and direct the Respondents to correct the seniority list maintained for allotment of quarters and thereby rectify the error committed in pushing down the applicant from Sr. No.1 to Sr. No.4.

**8.8** To direct Respondent Nos. 7 & 8 to evict the officers who came on transfer to Mumbai Area after the applicant and are allotted married accommodation in Chitralekha and Viswakarma.

**8.9** To direct the Respondent Nos. 1, 4, 6 and 11 to initiate administrative action against the defaulters under Respondent No. 7 & 8 for violation of statutory Rules SRO 308/78 dated 15.10.2001 and also for mischievously implimenting Annexure A14 order.

**8.10** This Hon'ble Tribunal be further pleased to pass any other just and equitable order in the interest of justice, in favour of the applicant, as deemed fit and proper according to the facts and circumstances of the case."

3. Learned counsel for applicant moved an application on 08.01.2020 seeking permission to withdraw the present OA and thereafter sought time to revisit the decision of withdrawal. Today he submits that he may be allowed to withdraw his OA unconditionally.

4. In the circumstances, the OA is dismissed as withdrawn. No order as to costs.

(Ravinder Kaur)  
Member (J)

gm.

