

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 936/94

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New Delhi, this the 16th day of August, 1999

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. N. SAHU, MEMBER (A)

In the matter of:

S.S.Gusain,
S/o Late Shri B.S.Gusain,
Aged 45 years,
At present working as Assistant
Central Intelligence Officer Grade-I
in Intelligence Bureau(MHA), New Delhi.
R/o Qtr. No.1222, Type-III,
N.H.-IV, Faridabad. Applicant
(None).

Vs.

1. Union of India through
The Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.
2. The Director,
Office of Directorate of Estates,
Nirman Bhawan, New Delhi.
3. Assistant Estate Manager,
Office of the Assistant Estate Manager,
N.H.-IV, Faridabad.
4. The Director,
Intelligence Bureau (MHA),
Government of India,
North Block, New Delhi. Respondents
(None).

O R D E R (ORAL)

By Hon'ble Mrs. Lakshmi Swaminathan, M(J)

None appears for either side even on the second call.
As this is an old case filed in 1994 and has appeared at
Sl. No.6 in today's cause list, we are disposing of this
case on the basis of available materials on record.

2. The applicant is aggrieved by the action of the
respondents in not allowing him to retain the Government
accommodation for the General Pool allotted to him at

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Faridabad on rent free basis. The applicant has been transferred ~~to~~ ^{from} the Intelligence Bureau Headquarters at New Delhi. He has stated that in view of the fact that his children are studying in schools at Faridabad he has exercised his option to retain the General Pool accommodation at Faridabad and he claims that it should be given to him on rent free basis.

3. By Tribunal's order dated 17.5.94, the respondents had been ordered to maintain status quo of the applicant's allotment of the quarter. By the subsequent order dated 11.10.94, the Tribunal had stated that there was no prima facie case in favour of the applicant to continue the interim order particularly in view of the judgment of the Tribunal dated 30.9.94 in OA-1043/94. Accordingly, the interim order was vacated stating that it was open to the applicant to persuade ^{us} ~~and~~ to take a different view from the judgment rendered earlier by order dated 30.9.94 at the time of final hearing. The respondents in their reply have submitted that the applicant was entitled to avail rent free accommodation only at the place of posting and this allotment has been cancelled on his transfer to New Delhi, in accordance with the rules. They have submitted that the staff of Intelligence Bureau are entitled to rent free accommodation only at the place of their posting but the applicant has failed to pay the licence fee on prevalent scheme that he is entitled to retain quarter at Faridabad on rent free basis. These averments have been disputed by the respondents.

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4. We have perused the judgment of this Tribunal in P.C.Gupta Vs. Union of India and others (OA No.1043/94) decided on 30.9.94. It is seen that in that case also the applicant was aggrieved by an office order passed by Central Intelligence Bureau and he had prayed for a declaration that he is entitled for rent free accommodation at Faridabad on his transfer to Delhi. We find that the facts and issues are the same as those raised in the present case. We respectfully agree with the reasoning given in the order of the Single Bench and find no good grounds to justify allowing this application on merits.

5. In the result, for the reasons given above, this O.A. fails and the same is accordingly dismissed. No orders as to cost.

(N. SAHU)
Member (A)

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(MRS. LAKSHMI SWAMINATHAN)
Member (J)

