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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 782/  
T.A. No.

1988.

DATE OF DECISION June 1, 1988.

Shri P.M.Srivastava Petitioner

Shri R.Kapur, Advocate for the Petitioner(s)

Versus

Union of India & another Respondent(s).

Shri K.D.Sharma, Section Officer Advocate for the Respondent(s)  
Deptt. of Revenue.

**CORAM :**

**The Hon'ble Mr. Justice K.Madhava Reddy, Chairman.**

**The Hon'ble Mr. Kaushal Kumar, Member.**

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether to be circulated to other Benches? *No*



(Kaushal Kumar)

Member

1.6.1988.



(K.Madhava Reddy)

Chairman

1.6.1988.

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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
DELHI.

REGN. NO. OA 782/1988.

June 1, 1988.

Shri P.M. Srivastava ... Applicant.

Vs.

Union of India & Another ... Respondents.

CORAM:

Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

Hon'ble Mr. Kaushal Kumar, Member.

For the applicant ... Shri R. Kapur, counsel.

For the respondents ... Shri K.D. Sharma, Section Officer, Deptt. of Revenue.

(Judgment of the Bench delivered by  
Hon'ble Mr. Justice K. Madhava Reddy,  
Chairman).

This is an application under Section 19 of the Administrative Tribunals Act, 1985, by a retired Inspecting Assistant Commissioner of Income-tax, Bombay against whom proceedings were initiated by the CBI on receipt of complaints. Later a criminal case was filed. FIR was filed while he was in service. He retired from service on 31st January, 1987. While the applicant was in service, he was allotted government residential accommodation No. D/16, Income-tax Colony, Pedder Road, Bombay. Since the criminal case launched by the C.B.I. is pending in which a chargesheet has been recently filed, in this application the applicant claims that the respondents should be directed to allow him to retain the accommodation provided to him while he was in service.

No public servant is entitled to retain the accommodation provided to him while he was in service except in accordance with the Rules. The applicant has been allowed to continue in the quarter now for nearly 1½ years after his retirement. Under the Rules,

he is not entitled in any event to retain the quarter for more than one year except under the permission of the competent authority. Permission to retain the quarter lies in the discretion of the competent authority. The applicant cannot claim to retain the quarter as of right after the expiry of the aforesaid period.

In our opinion, the respondents have been more than considerate in allowing him to retain the quarter for nearly 1½ years. Discretion, if any, vested in the respondents cannot, in the circumstances be said to have been exercised arbitrarily. Merely because the criminal case launched by the CBI is pending, the applicant is not entitled to retain the quarter. In the circumstances, this application is devoid of any merit and it is accordingly dismissed with no order as to costs.

*Mr. Kaushal Kumar*

(Kaushal Kumar)  
Member  
1.6.1988.

*K. Madhava Reddy*

(K. Madhava Reddy)  
Chairman  
1.6.1988.