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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 258 198 6
T.A. No.

DATE OF DECISION 7th May 1986.

O.P. Sawhney

Petitioner

in person.

Advocate for the Petitioner(s)

Versus

Union of India & Others.

Respondent

Shri M.L.Verma

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. S. P. MUKERJI, MEMBER

The Hon'ble Mr. H. P. BAGCHI, MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?

This is an application filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying that the respondents (Director General of Meteorology and Director

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of Meteorology) should be directed to allot a quarter within the observatory compound as the applicant is a duty post holder, being a member of the operational staff working at Palam.

2. We have gone through the documents very carefully and heard the arguments of the petitioner as well the learned Counsel for the respondents. We have also seen some documents in order to ascertain whether the application should be admitted or not. The main contention of the applicant is that being a duty post holder, he is entitled to one of the 200 duty post quarters but his name as Scientific Assistant entitled to duty post quarter does not figure in the list prepared in Jan.1986. The learned Counsel for the respondents has very lucidly explained the position by producing photostat copies of the applicant's own letter dated 29.11.84 addressed to the Regional Director Meteorological Office praying that as he was applying for allotment of General Pool accommodation from the Estate Office his name may be deleted from the list of duty post holders. It is on this basis that his application to the Estate Office was forwarded for General Pool accommodation and his name did not figure in the list of duty post holders, which was prepared in January 1986. The applicant has shown another application dated 19.1.86 in which he prayed that his application from the Estate Office be withdrawn and his name should be included in the list of the duty post holders for allotment of IMD quarters.

In accordance with the policy of the Meteorological Department, an official cannot be a claimant to both, the IMD quarters ^{on one hand} and the Estate Office accommodation on the other hand.

We feel that this is a reasonable discipline which has to be followed in the context of the overall paucity of Government accommodation available with the IMD as well as the Estate Office. The applicant having withdrawn his name from the duty post holders as he himself was keen to apply to the Estate Office, he cannot deem himself to have been victimized by ^{the} exclusion of his name from the list of the duty post holders. The learned Counsel for the respondents agrees that ~~he~~ he does not want General Pool accommodation and withdraws his application ^{from} to the Estate Office, his name will be reinducted in the list of the duty post holders which is to be brought out in July 1986. In that list he will be placed in accordance with his seniority in the cadre. The plea of the applicant that being posted at Palam he is not entitled to get accommodation from the Estate Office has been refuted by the learned Counsel for the respondents and according to him, the Directorate of Estate Office has agreed to allot accommodation even to those who are posted at Palam provided his Drawing & Disbursing Officer is located in the Headquarters Office at Lodhi Road. Accordingly, we do not find any merit in the application and reject the same under Sub-Section 3 of Section 19 of the Act. The learned Counsel for the respondents has assured us that the applicant's name will be included in the list of duty post holders to be

prepared in July this year provided the applicant withdraws his name from the Estate Office.

(H.P.BAGCHI)
JUDICIAL MEMBER

S.P. Mukerji
(S.P.MUKERJI)
MEMBER