

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(1) O.A. No.2426 /2004

With

(2) OA No. 2427/2004 with
MA No.2016/2004

(3)OA No.2430 /2004

New Delhi this the 6th day of October,2004

Hon'ble Mr. S.K. Malhotra, Member (A)

OA No.2426/2004

U.K.Jain,Marketing Executive,
Publication Department (SW),
R/o AT-III-4, NCERT Flats,
Naseerpur,
Pappankala,
New Delhi-110 045

Applicant

Versus

National Council of Education
Research and Training (NCERT)
Through
The Secretary,
Sri Aurobindo Marg,
New Delhi-110016

Respondent.

2. OA No.2427/2004 with MA 2016/2004

1. Shri Rajinder Singh Rawat,
Storekeeper Gr.II
R/o Type HT-II/38, NCERT Flats,
Naseerpur, Pappankalan,
New Delhi-110 045
2. Dwarka Prasad, Binder-cum-Cutter,
R/o Type-II, D Block, Quarter No.-5,
2nd Floor, NCERT Flats Naseerpur,
Pappankala, New Delhi-1100045
3. Ramesh Kumar Dhyani Storekeeper Gr.II,
R/O HT-11/37, NCERT Flats, Plot No.9,
Pocket-6, Naseerpur Pappankalan,
New Delhi-110045
4. Surinder Singh Rawat, UDC,E-II Section,
R/O GT-11/29, NCERT Flats, Plot No.9, Pocket No.6,
Naseerpur Pappankalan, New Delhi-110045

Applicants

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Versus

National Council of Education
Research and Training (NCERT)
Through
The Secretary,
Sri Aurobindo Marg,
New Delhi-110016

Respondent.

OA 2430/2004

Poonam Singh, LDC
R/O ET-II-16, NCERT Flats,
Naseerpur, Pappankala,
New Delhi-110045

Applicant

(By Shri S.N. Anand counsel for applicants)

Versus

National Council of Education
Research and Training (NCERT)
Through
The Secretary,
Sri Aurobindo Marg,
New Delhi-110016

Respondent.

ORDER(ORAL)Shri S.K. Malhotra, Member (A).

As the issue raised in these OAs is founded on identical facts and question of law, all these OAs are disposed of by this common order. For the sake of convenience, the facts stated in OA No.2426/2004 are being taken into consideration.

2. The applicant, who is working in NCERT, was initially allotted Type-III accommodation in NCERT flats in Naseerpur (Pappankalan), New Delhi which he had occupied on 20.2.2002. The applicant applied for change of accommodation from Pappankalan to NCERT Campus, Aurobindo Marg, New Delhi and his name was kept in waiting list at Serial No.44 based on the date of application for change of accommodation. According to him, as per guidelines, issued by the Govt., a change waiting List, area-wise/floor-wise is maintained on "first come first served basis". It has been stated that sufficient number of vacant quarters in Type-III category are available in NCERT Campus, Aurobindo Marg.

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3. It has been stated by the applicant that the respondents have now prepared a fresh waiting list (a single change list) vide order dated 27.9.2004 in which his name has been much lower than in the original change list. His apprehension is that the respondents' department are likely to operate this new Single Change List which will adversely affect his interests. A prayer has, therefore, been made that the impugned Single Change List dated 27.9.2004 be quashed and set aside and the respondents may be directed to allot change in accommodation as per orders of this Tribunal dated 17.5.2004.

4. I have heard Shri S.N. Anand, learned counsel for the applicants.

5. During the course of discussion, it transpired that the single change list issued by the department vide order dated 27.9.2004, is only a tentative list, on which objections have been invited from the employees. The applicant, who is an interested party, has already submitted his objections. However, the respondents have yet to take a final view in the matter. It is admitted that the respondents have not yet started operating this list for change in accommodation. Thus, no cause of action has arisen to the applicant in terms of Section 19 of the Administrative Tribunals, 1985. The applicant can approach this Tribunal only after a cause of action has arisen and he has also exhausted all the remedies available to him under Section 20 of the Administrative Tribunals Act.

6. In view of the position stated above, the learned counsel for the applicant after some discussion, requested that he should be allowed to withdraw these OAs. The request made is acceded to. The applicants will, however, be at liberty to approach the Tribunal again with a fresh OA, if so advised. Accordingly, all the three OAs are dismissed as having been withdrawn. No order as to costs.


(S.K. MALHOTRA)
Member (A)

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