

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA.1112/93

Date of Decision: 20.08.1993

Shri Samir Ghosh

Applicant

Versus

Union of India

Respondents

Shri A.K. Behra

Counsel for the applicant.

Ms. Pratima Mittal  
proxy counsel for  
Shri K.C. Mittal

Counsel for respondent No. 2 & 3

SINGLE BENCH JUDGEMENT (Oral)  
(delivered by Hon. Member (J) Shri C.J. ROY)

Heard the learned counsel for both parties and perused the documents on record. None appeared for respondent No. 4 in spite of notice. Both the parties agree for disposing of this case at the admission stage itself since the pleadings are complete. Hence I proceed to do so.

2. The brief facts of the case are that the applicant is a Senior Auditor working presently with Respondent No. 3. Originally, he was working in the office of Respondent No. 2. Subsequently he was transferred from the office of Respondent No. 2 to the office of Respondent No. 3. While he was working with Respondent No. 2, he was allotted a departmental pool accommodation at No. D-75, Thompson Road, New Delhi. He has applied for a General Pool accommodation as he is entitled for it. It is claimed that the said application was filed by the applicant on 15.5.92. But so far, he is not allotted the general pool accommodation. In the circumstances, he is still continuing to occupy the departmental pool

m

accommodation which was allotted to him prior to his transfer. It also also alleged in para 4.15 at page 6 of the OA that one of his colleague who applied later than him has been allotted type-III quarter in August 1992 at G1-811, Sarogini Nagar, New Delhi. Thereby, the applicant claims that though his claim is also for the similar allotment as was allotted to his colleague, he has not yet been allotted so far. On the other hand, a notice for charging of penal rent has been served upon him. On 21.5.93, this Tribunal passed an order restraining the respondents from implementing the office order dated 1.5.92 (Annexure A-8).

3. The learned counsel for the respondents also drew my attention that the concerned Respondent No.4 is not making appearance before the court though it is he, who has to take appropriate steps. In support of their case, they produced three judgements vis a vis OA.1963/91 delivered on 18.12.91; OA.851/92 delivered on 4.9.92 and a common judgement passed in OAs.2212/92 and 2214/92 delivered on 22.7.93. In all these three judgements, the applicants were permitted to continue in the original accommodation until they are allotted a general pool accommodation on payment of normal licence fee *and the above cases are on this point.*

4. Following the ratio of above judgements, I dispose of this OA with the following orders and directions.

(a) The order of the respondents dated 1.5.92 (Annexure A-8) is hereby set aside and quashed.

*my*



✓

(b) The respondents are directed to allot a general pool accommodation to the applicant as per his entitlement.

(c) The respondents are restrained from charging any penal rent in the departmental pool accommodation arising out of the occupation of the applicant till he is given an accommodation in the general pool quota.

(d) The excess amount, over and above the normal licence fee recovered from the applicant prior to the stay granted by the Tribunal shall be repaid to him.

(e) The above orders shall be <sup>complied with, as</sup> ~~taken~~ preferably and <sup>my</sup> expeditiously, within a period of three months from the date of communication of this order.

(f) There will be no order as to costs.

*[Signature]*  
(C.J. ROY)

MEMBER(J)

20.08.1993

kam200893