

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1206 OF 2004
ALLAHABAD, THIS THE 08th DAY OF OCTOBER, 2004
HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Vinit Kumar Giri,
s/o Sri K.N. Giri,
r/o SMQ No.86/3, Akash Vihar (NP)
Air Force Colony, Gorakhpur.

.....Applicant

(By Advocate : Shri B. Tiwari)

V E R S U S

1. Union of India through the Secretary, Ministry of Defence, Govt. of India, at New Delhi.
2. Flight Lieutenant DIC Civil Admin, 17 Wing Air,Force, Gorakhpur.
3. Air Officer Commanding, 17 Wing Air Force, Gorakhpur.

.....Respondents

(By Advocate : Shri Saumitra Singh)

O R D E R

By this O.A. applicant has sought the quashing of the order dated 30.09.2004 whereby his request for retention of SMQ 86/3 on academic grounds has not been agreed to. (Pg.11). He has further sought a direction to the respondents not to interfere in peaceful possession of SMQ No.86/3, Akash Vihar (NP) Gorakhpur till the end of current academic session i.e. up to 15.05.2005 on payment of normal rent as earlier paid by the applicant from time to time.

2. It is submitted by the applicant that applicant was working as Store Keeper in the scale of Rs.4000-6000/- at Gorakhpur. He requested for transfer and posting in April 2004 from Gorakhpur to Air Headquarter, New Delhi on compassionate grounds. Respondents have been kind enough to accept his request and he has been posted ^{14/12} Air Headquarter, New Delhi vide letter dated 13.08.2004 (Pg.12).

3. It is submitted by the applicant that New academic session starts in July and he has already deposited the fee of his children, therefore, he prayed the authorities to allow him to continue in the premises at Gorakhpur for the current academic session subject to payment of normal rent but the request has been rejected by the authorities.

4. Counsel for the applicant stated categorically that he would neither claim allotment of house at New Delhi and he would also handover the vacant possession of Govt. Quarter at Gorakhpur on 15.05.2005 without any fuss or creating any other problem.

5. Counsel for the respondents was seeking time to file reply as he submitted that applicant cannot ^{be} given accommodation at ^{two} places simultaneously and since the accommodation, which was given to the applicant at Gorakhpur was for service married officer, it might be required for an officer who is married and posted in place of applicant.

6. I have heard both the counsel and appreciate the anxiety shown by the respondents but I am of the opinion that this case can be decided on the admission stage itself by making certain observations in view of the assurances given

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by the applicant's counsel. Since applicant's children have already started their academic session at Gorakhpur naturally it would not be proper to disturb the children in the mids of their academic session. Therefore, it is directed that respondents would allow the applicant's family to stay in a Government Quarter either the one, which is already allotted to the applicant or some other alternative quarter at Gorakhpur till 15.05.2005^{subject to payment of nominal rent. P}. It is made clear that applicant would not insist for allotting him another quarter at New Delhi till 15.05.2005 and he shall handover vacant and peaceful possession to the authorities of the quarter, which is retained by the family ^{at Gorakhpur P} on 15.05.2005 without creating any problem.

7. With the above directions, this O.A. is disposed off. Letter dated 30.09.2004 is quashed and set aside. No order as to costs.


Member (J)

shukla/-