

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00761/2018

Friday, this the 10th day of September, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

V.C.Abdul Basheer, aged 57 years,
S/o. V.C. Kunjayun Kutty Rigger(SK),
NSRY (K), Naval Base, Residing at Type II A/7
Quarters, Pampa Vihar, Palluruthy, Pin 682 006.

- Applicant

(By Advocate: Mr. Shafik. M. Abdulkhadir)

Versus

1. Union of India, represented by the
Secretary to the Government of India,
Ministry of Defence, South Block,
New Delhi-110011.
2. The Flag Officer Commanding-in-Chief
Headquarters Southern Naval Command
Naval Base, Kochi-682004
3. The Commodore Superintendent,
Naval Aircraft Yard, Naval Base,
Kochi-682004.
4. The Admiral Superintendent,
Naval Ship Repair Yard (K),
Naval Base, Kochi-682 004.
5. Shri. VNR Nair,
The Secretary, Welfare Committee, Pampa Vihar,
Palluruthy, Kochi-682006
5. The President, Board constituted for
Domestic Inquiry of Pampa Vihar matters.
NAY (K), Naval Base, Kochi-682004

- Respondents

(By Advocate: Mr. C.P. Ravikumar, ACGSC)

The O.A having been heard on 10th September, 2021 through video

conferencing, this Tribunal delivered the following order on the same day:

ORDER (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicant seeking the following reliefs:

“(i) To call for the records leading to the issue of Annexures A-1 to A-3 and to quash the same, being illegal and arbitrary;

(ii) To direct the respondents to allow the applicant to continue in Quarter No. II A-07;

(iii) To pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case;

(iv) To award costs of and incidental to this application.”

2. The brief facts of the case are as follows:

The applicant is presently working as Rigger (SK), NSRY (K) in Naval Ship Repair Yard, Naval Base, Kochi. The applicant was allotted Quarter No. IIA-07 in Pampa Vihar, Palluruty, Kochi and he occupied the same during February 2013. The applicant is aggrieved by Annexure A-1 show cause notice issued by the 4th respondent, to show cause as to why disciplinary action should not be taken against the applicant for the misconduct of tarnishing the image of the entire female residents of Pampa Vihar. The applicant is also aggrieved by Annexure A-2, notice issued by the 2nd respondent to vacate Quarter No. IIA-07 of Pampa Vihar within 15 days from the date of receipt of the notice. The applicant is also aggrieved by the rejection of the review application submitted by the applicant by Annexure A-3. Hence, the applicant has approached this Tribunal praying for the aforementioned reliefs.

3. When the matter came up for consideration, Adv. Mr. S R K Prathap, ACGSC submits that the applicant has already retired and now he is permitted to continue in the quarters for a period of 6 months with effect from 01.06.2021. Hence there is no further necessity for continuing this Original Application.

4. In view of the above circumstances, the Original Application **is closed as infructuous.**

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

bp

List of Annexures

- Annexure A1- True copy of the show cause Notice No. PA/03/2690/05, dated 01.03.2018 issued by the 4th respondent.
- Annexure A2- True copy of the notice no. CS 2690/A/PV/1 (i), dated 25.05.2018 issued by the 2nd respondent.
- Annexure A3- True copy of the order no. PA/08/2790/4, dated 06.08.2018 issued by the 2nd respondent.
- Annexure A4- True copy of the complaint dated 21.10.2017 submitted before the 3rd respondent.
- Annexure A5- True copy of the reply dated 10.03.2013 submitted before the 4th respondent.
- Annexure A6- True copy of the reply dated 15.03.2018 submitted before the 6th respondent.
- Annexure A7- True copy of the complaint dated 26.02.2018 submitted before the 3rd respondent.
- Annexure A8- True copy of the letter dated 17.03.2018 from Smt. Sreekala K. S, resident of Quarter No. Type III A11.
- Annexure A9- True copy of the letter dated 17.03.2018 from Smt. Pinky S. Gopi, resident of Quarter No. Type II A3.
- Annexure A10- True copy of the letter dated 25.05.2018 from 4th respondent.
- Annexure A11- True copy of the representation dated 12.06.2018, submitted before the 2nd respondent.
- Annexure A12- True copy of the letter dated 06.08.2018 of the 4th respondent.
- Annexure A13- True copy of the SRO 308 of 1978 published by the 1st respondent.
- Annexure A14- True copy of the representation dated 17.08.2018 submitted to the 2nd respondent.
- Annexure A15- True copy of the certificate dated 26.01.2018 issued by the 2nd respondent.

Annexure A16- True copy of the certificate dated 04.12.2015 issued by the 2nd respondent.

Annexure R1- Copy of the Naval Aircraft Yard, Kochi letter 100/PAMPA dated 16.04.2018.

Annexure R2- Copy of relevant page of SRO 308/78

Annexure R3 (1) – R3 (21) Copies of complaints received by Pampa Vihar Residents Association.

Annexure R4- Copy of undertaking submitted by the applicant dated 01.04.2016.

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