

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00197/2020

Monday, this the 31st day of May, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

Hon'ble Mr.K.V.Eapen, Administrative Member

1. C.S.Sebastian, aged 57 years
son of late Shri.C.S.Syriac
Assistant Manager, Naval Armament Deport
NAD (PO), Alwaye – 683 563
Residing at Chittezhath House
Nanma Road, Asokapuram
Alwaye 683 101
2. V.J.Bibin, aged 35 years
son of V.E.Jossie, Foreman (Fy) Gztd,
Naval Armament Deport,
NAD (PO), Alwaye – 683 563
Residing Valiyaparambil House
Schoolmuttom, Ochanthuruthu P.O
Kochi – 682 508

- Applicants

(By Advocate: Mr.Johnson Gomez)

Versus

1. Flag Officer Commanding in Chief,
Headquarters , Southern Naval Command
Kochi – 682 004
2. Chief General Manager
Naval Armament Deport
NAD P.O, Alwaye – 683 563
3. Quarter allotment officer,
Officer of the Chief General Manager
Naval Armament Deport
NAD PO, Alwaye – 683 563
4. General Manager
Naval Armament Depot
NAD PO, Alwaye – 683 563

5. Mr.K.Raja, General Manager
Officer of the Chief General Manager
Naval Armament Depot
NAD PO, Alwaye – 683 563

- Respondents

(By Advocate: Mr.Thomas Mathew Nellimoottil for R 1-4)

The application having been heard on 31st May 2021, this Tribunal delivered the following order the same day.

ORDER (ORAL)

Per: P.Madhavan, Judicial Member

This is an Original Application filed seeking the following reliefs:

- “i) To call for the records leading to Annexure A6 order issued by the Fourth respondent and to quash the same
- 2) *To call for the records leading to Annexure A7 order issued by the Fourth respondent and to quash the same.*
- 3) *To declare that the applicants are eligible for House Rent Allowance , paid to the applicant for the month of February 2020, notwithstanding the issue of Annexure A6 and A7 by the Fourth respondent, as the same were issued without complying with the proper procedure prescribed for allotment of Government accommodations.*
- 4) *To direct the respondent nos.1 to 4 to continue to pay House Rent Allowance to the applicants, as was paid to the applicants for the month of February 2020, notwithstanding the issue of Annexure A6 and A7 orders issued by the Fourth respondent*
- 5) *To direct the second respondent to consider Annexure A8 representation submitted by the first applicant in accordance with law as within a time frame that this Hon'ble Court may consider appropriate.*
- 6) *To direct the second respondent to consider Annexure A9 representation submitted by the second applicant in accordance with law as within a time frame that this Honourable court may consider appropriate. . ”*

2. When the matter came up for consideration, it appears that the applicants have given representations at Annexure A-8 and Annexure A-9, but no action has

been taken on the same till date. Learned counsel for the applicant submits that the applicants will be satisfied if a direction is given to the respondents to consider the same and pass a reasoned and speaking order within a time frame.

3. In view of the limited submission, the Competent Authority is directed to consider Annexures A-8 and A-9 representations in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. An opportunity of being heard may also be given to the applicants.

4. The Original Application is disposed of accordingly at the admission stage itself. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

List of Annexures

Annexure A1 - A true copy of the letter number AAQ/7015/1 dated 26/2/2020 issued by the fourth respondent

Annexure A2 - A true copy of the letter number AAQ/7015/1 dated 26/2/2020 issued by the fifth respondent

Annexure A3 - A true copy of relevant pages of SRO IE Gazette Notification regarding DGQA Quarters Allotment Rules

Annexure A4 - A true copy of the representation dated 4/3/2020 submitted by the First Applicant before the second respondent

Annexure A5 - A true copy of the representation dated 3/3/2020 submitted by the Second Applicant before the second respondent

Annexure A6 - A true copy of the letter AAQ/7015/1 dated 7/3/2020 issued by the fourth and fifth respondents to the first applicant

Annexure A7 - A true copy of the letter number AAQ/7015/1(i) dated 7/3/2020 issued by the fourth and fifth respondent to the second applicant

Annexure A8 - A true copy of the representation dated 11/3/2020 submitted by the First Applicant before the second respondent

Annexure A9 - A true copy of the representation dated 11/3/2020 submitted by the Second Applicant before the second respondent

Annexure A10 - A true copy of the office memorandum number 2/5/2017-E II B dated 5/3/2019 issued by the Deputy Secretary government of India

Annexure A11 - A true copy of the office memorandum file number 12034/1/2019-Pol.III dated 8/4/2019 issued by the deputy director of estates.

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