

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.210/182/2021

Dated this Wednesday, the 07th day of April, 2021

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)

**Proceeding conducted through video conferencing with
consent of both counsels for the parties.**

Mr. Anadi Varma, Pr. Commissioner of Income-Tax,
Quarter No.A-20, (Type-V), Income Tax Colony, Pedder road,
Mumbai 400 026. **- Applicant**
(By Advocate Ms. Pooja Pandey)

Versus

1. The Principal Chief Commissioner of Income Tax,
3rd Floor, Aayakar Bhawan, Maharshi Karve Road,
Mumbai 400 020.
2. The Union of India, through the Secretary,
Ministry of Finance, Department of Revenue,
North Block, New Delhi 110 011. **- Respondents**
(By Advocate Shri N.K.Rajpurohit)

ORAL ORDER

Present:

Advocate Ms. Pooja Pande for the applicant.

Advocate Shri N.K.Rajpurohit for the respondents.

2. Heard both of them. The applicant's counsel submits that initially in the OA two orders of the respondents were challenged by the applicant but in the amended OA, only the last order of the respondents dated 13.01.2021 directing the applicant to vacate the Government residential accommodation after his transfer out of Mumbai several months ago and to pay the damages for over-stay has been challenged.
3. In this OA one of the reliefs sought by the applicant is direction to the respondents to allow him to retain the residential accommodation in Mumbai till 31.03.2021. By now that period is already over, thus this relief is in any case not relevant.
4. When asked to show stipulations of service conditions of the applicant in which provision of Government residential accommodation is included, Ms. Pande is unable to show any such stipulation in the service conditions. The posting order of the applicant at Mumbai also

did not mention anything about provision of Government residential accommodation to him as part of his service conditions.

5. Shri Rajpurohit explains that in another OA No.214/2020 decided by this Tribunal on 16.03.2020, it has been held that provision of Government residential accommodation is not a service condition for serving Government officers. Therefore, this OA is not maintainable before the Tribunal and the applicant should withdraw it, else it should be dismissed.

6. The applicant's counsel submits that she was not aware of requirement of such stipulations in the service conditions of the applicant for maintainability of the present OA and therefore, on maintainability of this OA the Tribunal may take a view and decide it.

7. In view of these facts of the case and the above submissions of the counsels, I do not find any merit in this OA justifying its maintainability before this Tribunal. This OA thus not being maintainable is dismissed at admission stage. No costs.

(Dr. Bhagwān Sāhāi)
Member (Administrative)

kmg*

JD
20/04/21