

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 661 of 1992

Amar Nath Srivastava, V.C

... Applicant

Versus

Union of India and Others

... Respondents

CORAM:

Hon'ble Mr. Justice U.C. Srivastava, V.C

( By Hon. Mr. Justice U.C. Srivastava, V.C. )

The applicant was posted as Supdt. Building and Roads Gr. I in military Engineering service and was working under the Air Force Barrack, Allahabad where he came from transfer from Jabalpur in the month of April 1991. The applicant applied for allotment of the house and the house in dispute was allotted to him vide order No. ED/60/20 ORG. The allotment order in which it appears that the quarter was allotted to him temporarily for four months. After four months the applicant did not vacate the premises and it appears that the allotment order was not extended that is why a notice was issued to him on 5.2.92 declaring him as an unauthorised occupant. The applicant submitted his reply and has stated that he was entitled to the allotment of another house of the office which has been held by him. The case is now lingered on and ultimately the period of retention of the applicant was extended to 5.4.92

in which the plea of the applicant that ofcourse in midsession it is not possible to shift the children who are studying in K.V. Manauri and this order was passed on 27.3.92. Thereafter again notices were sent to the applicant for vacating the house. The applicant made a representation that it may be allotted in his favour. It appears that he also made reference of 8 houses which are said to be vacant. On the complaint of the applicant ten houses have been allotted to the teachers of the Central school but no house was allotted to the applicant and even only one teacher the houses were entitled. The names were given to the applicant and the applicant approached this Tribunal praying that no allotment order was passed in his favour even then houses are lying vacant and yet he has been thrown out.

2. The respondents have opposed the application and stated that the allotment was made in his favour for a period of four months because of the particular reason assigned by him. Some accommodation has been built exclusively for military engineering service directly but the premises in dispute does not belong to this category. The proceedings against the applicant was taken under the Public Premises (Eviction of Unauthorised Occupants) Act 1971. The Academic session of Kendriya vidyalaya ended on 30.4.92 and the applicant should have been vacated the premises even then he did not vacate the premises. The accommodation is required for allotment to the depot employees as a number of civilians and airmen are in the waiting list and no quarter have been constructed for

24 Equipment Depot Airforce Manauri, except those constructed exclusively for military engineering service belong to MES pool. As far as premises allotted to Sri Dwivedi is concerned on extreme compassionate ground as his 90 years old mother is stayed with him and the house which was too small for him.

3. The facts as stated above by the parties indicates that the respondents themselves have not proceeded very fairly in the ~~sukka~~ matter of allotment and have provided on compassionate ground that the mother is too old. They could have been provided the house to one officer who has been transferred to Jabalpur who is not an outsider and who after transfer requires no accommodation. It was a case of readjustment, which was not necessary that particular category should have been allotted to all the houses. Interest of all these categories should have been seen and it appears that the respondents did not advertant to this aspect. The reply given by the respondent in respect to the house which was allotted to the teachers of the Central school is some what crytic. They have stated that the houses belonged to MES and Central school teachers are to be accommodated in defence pool accommodation and the requirement as per policy of government <sup>letter</sup> of India/dated 23.6.87. That may be so, but that does not mean that one category should be excluded. In as much as they can give two houses to one personnel on compassionate ground on that very ground they gave one house to an officer to whom they have called on transfer.



4. Accordingly, the respondents are directed to consider the prayer of the applicant to allot the house any how instead of doing favour to any one. It is expected that the applicant's prayer shall be considered within a period of three months till then they will not ask the applicant to vacate the premises.



Vice Chairman

Dated: 22.3.1993

(Uv)