

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 1145 of 1992

Babban

..... Applicants.

Versus

Union of India & ors. Respondents.

Hon'ble Mr. Maharaj Din, Member-J

This is an application under Section 19 of the Administrative Tribunal's Act 1985 seeking the relief to restrain the respondents from evicting the applicant from the accommodation (Qr. No. P-36/3 W Wing Babina Cantt) which has been allotted to him. It is also prayed that the respondents be restrained from charging penal/damage rents from the applicant.

2. The relevant facts giving rise to this application are that the applicant is working as a Chawkidar in 66 company ASC (Supply Depot) Babina Cantonment under the Administrative control of respondent No. 2. The applicant is civilian employee of the Defence Establishment of the Union of India, Ministry of Defence. The applicant was allotted the aforesaid married residential accommodation by the Station Head Quarters, Babina Cantonment, District, Jhansi on 11.1.1991 vide Annexure-2. It is stated that all of sudden the applicant was asked to vacate the accommodation vide impugned order dated 13.11.1991 (Annexure-1). Hence the applicant has come up before this Tribunal seeking the relief mentioned as above.

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3. The respondents filed Counter Reply and resisted the claim of the applicant stating interalia that the applicant is working as a Chawkidar and he is entitled to allotment of Type I Qr. The Quarter which is at present in occupation of the applicant is Type II and since the Quarter was surplus and lying vacant, it has been allotted to the applicant. The Quarter in question are meant for NCO's belonging to Defence wing, therefore the allotment of the Quarter has been cancelled and the applicant has been asked to vacate the same.

4. I have heard the learned counsels for the parties and perused the record.

5. The applicant admittedly is working as a Chawkidar and he is entitled to Type I Quarter. The allotment of married accommodation was made by the Station Head Quarters as the Quarter was surplus at that time. Subsequently, due to arrival of more families of combatant, the accommodation in question was regular for allotment to the families of combatant personnel. It is stated that the applicant is entitled for allotment of Type I accommodation, but the same was not constructed for the civilian employees at Babina station. The applicant in the Rejoinder Affidavit has stated that there are several persons who do not come in the category of combatants are living in the Government accommodation allotted to them and these persons are named in the Rejoinder Affidavit

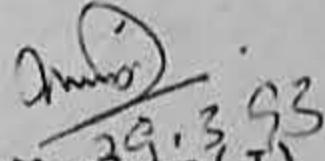
Onwards

as Mithlesh Kumar, B.M.Tewari, Kashi Ram and Suresh, thus the applicant has alleged he has been discriminated. The allegations made in the Rejoinder Affidavit are vague as the particulars of the Quarters which are in their occupation are not given. Moreover in the Rejoinder Affidavit, the applicant cannot be permitted to introduce new facts of which the respondents have no occasion to reply. The applicant in para 8 of the Rejoinder Affidavit has stated that the alternative accommodation allotted to him is neither in accordance with the specification nor it is suitable for him. He claims that he is entitled to better type of accommodation than one offered to him as alternative accommodation. He has further said that there are atleast 20 Quarters at Babina of Type I for which he is entitled to allotment under Rules.

6. It is borne out from the discussion made above that the quarter which has been allotted to the applicant is meant for accommodating the families of the combatants. Since at the time of allotment of the Quarter in question, it was lying vacant and was surplus, therefore, it was allotted to the applicant. Now the families of combatants have started arriving at Babina and the respondents are to accommodate them in the Quarter essentially meant for the families of the combatants. It is evident from the assertion made by the applicant himself that he was offered alternative accommodation so he without any difficulty may shift and occupy that accommodation.

Q.W.O.

7. In view of the discussion made above, we find no merit in the application of the applicant which is hereby dismissed with no order as to cost.


29.3.93
Member (J)

Allahabad Dated: 29.3.1993

(jw)