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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 209 of 1994

D.N.Pandey Applicants.

versus

Union of India & ors. Respondents.

Hon'ble Mr. T.L.Verma, Member-3

This application has been filed for issuing a Rule restraining the respondents from evicting the applicant from Qr. No. E-30 C.T.X. Compound Allahabad till the B.Sc examination of his son is not over.

2. The facts of the case shortly stated are that the applicant Shri D.N.Pandey retired w.e.f. 31.8.1993 as Higher Selection Grade-II Assistant. Shri Pandey was allowed to retain his Quarter for 4 months after retirement according to the prescribed norms.

3. It has been stated that the youngest son of the applicant is studying in B.Sc Part-II and that his examination shall be over by 30th June, 1994. The applicant therefore filed a representation to the Chief P.M.G/P.M.G through proper channel for permission to retain the said Quarter up to 30th June, 1994. It has been stated that although no formal order allowing or rejecting the said representation of the applicant has been issued, the Senior Superintendent Post Offices has threatened ~~the~~ eviction of the

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applicant from the said quarter on the ground that his request for permission to retain the quarter till 30th June, 1994 has not been exceeded to by the respondent No. 3.

4. It was stated that according to the instructions/guidelines issued by the department, the Chief P.M.G./P.M.G. may allow retired Government servant to retain the quarter for another 4 months in special circumstances such as childrens education, medical ground etc. where the competent Authority feels that the family of the Government servant may suffer hardship in the event of vacation of quarter up to a certain specified period. It was also stated that the department has received rent from the applicant for the month of January-1994 at enhance rate. Regard being had to the fact that no formal order rejecting representation of the applicant to retain the quarter up to 30 th June, 1994 has been issued/served upon the applicant and also having regard to the fact that the respondents have accepted rent for the month of January, 1994 although the normal period of 4 months entitling a retired Government servant to retain the Government quarter has expired in December, 1993, I am of the view that the respondents should be directed to consider the representation of the applicant in the light of the instructions/guidelines issued by the department from time to time if not, already disposed of, ~~be considered~~ by a reasoned and speaking order within 15 days of the receipt of this order. In case the

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representation has been decided reconsider^{the same} and dispose of the same in the manner stated above. The respondents will consider the desirability of not using coercive method for evicting the respondent from the premises till the disposal of his representation.

5. This application is disposed of at the admission stage with the above direction. In the circumstances, there will be no order as to cost.

J. Verma
Member-J

Allahabad Dated: February 9, 1994/

/jw/