

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 240 of 1995

Allahabad this the 10th day of December 1997

Hon'ble Mr. D.S. Baweja, Member (A)

Shri Narayan Singh S/o Sri Ram Roop Singh R/o 28 B/94 A,
Allahpur, posted as L.D.C. in O.D. Fort, Allahabad.

Applicant

By Advocate Sri Indra Rai Singh

Versus

1. The Executive Engineer, Central Division, C.P.W.D., Allahabad.
2. Commandant, O.D. Fort, Allahabad.
3. Union of India through its Secretary, Urban Development Ministry, New Delhi.

Respondents

By Advocate Sri Prashant Mathur.

Q R D E R

By Hon'ble Mr. D.S. Baweja, Admin. Member

This application has been filed seeking direction to be issued to the respondents to allot the suitable accommodation from the general pool of C.P.W.D. within a fortnight from the order of the Tribunal.

2. The applicant is working as Lower Division Clerk(for short L.D.C.) in the Ordnance Depot, Fort Allahabad as a civilian employee under the defence establishment of Government of India. The applicant contends that there are no quarters meant for the civilian employees like the applicant in the defence pool

and, therefore, the allotment of the quarter is to be done from the general pool which is meant for the Central Government employees irrespective of their department. In view of this, the applicant made an application which for allotment of the accommodation in the general pool, which was forwarded by the Commandant, Ordnance Depot, Fort, Allahabad vide letter dated 05.8.1992 to the Executive Engineer, C.P.W.D., Allahabad. The applicant made several representations thereafter but the allotment of the quarter has not been done to him. The matter has also been represented through the trade unions. The applicant further contends that similarly placed civilian employees of Central Ordnance Depot, Kanpur had been allotted quarters from the general pool as per the letter dated 24.5.93 from the Assistant Director of Estates. The matter was also represented to the higher authorities i.e. Army Headquarter and Army Headquarter had also sent a proposal after completing the formalities as required. However, still the allotment of the quarter from the general pool has not been done and thereby the applicant has been deprived of the accommodation; The applicant also alleges that 12 civilian defence employees from Ordnance Depot Fort, Allahabad were allotted quarters from the general pool and the last quarter was allotted on 02.3.93 to one Sri Roshan Lal Amber who had made application subsequent to the applicant. The applicant also avers that quarters are ~~still~~ vacany in the general pool and still the allotment has not been given to the applicant as the allotments have been done on pick and chose basis and the whole action of the respondents is arbitrary, malafide, discriminatory and violative of the Article 14 and 16 of the Constitution.

3. The respondents first filed a short-counter through Sri Kamal Ahmad, Executive Engineer, C.P.W.D. Allahabad. Subsequently, detailed counter-reply was also filed by the same respondent. It has been brought out that as per the existing rules, the Civil staff of the Ordnance Depot, Fort are not eligible for the allotment of the quarter from the general pool as this unit is already having their own pool of the quarters. However, the proposal for making Ordnance Depot, Fort staff eligible, has already been submitted to the higher authorities and is under consideration of Director of Estates, Ministry of Urban Development, New Delhi and final decision is awaited. In view of this, the respondents have opposed the present application and contend that the same is premature. The respondents also have contested the allegation of the allotment of the quarters from the general pool on pick and chose basis with malafide intentions. The respondents submit that the allotment has been done on the basis of the seniority list on the basis of the requisitions and no discrimination has been made.

4. Subsequent to filing of short-counter and detailed counter-affidavit, the respondents have filed supplementary counter-affidavit, stating that on a reference made to the Ministry, the Director of Estates, Government of India as per letter dated 13.11.1995 has declared that the civil employees of the Ordnance Depot at Fort, Allahabad will be eligible for allotment of the quarter from the general pool in their own turn subject to fulfilment of other usual conditions of allotment. The respondents have further submitted that the applicant will be allotted quarter from the general pool as per his turn.

5. The applicant has filed the rejoinder-reply to the short counter. No reply has been filed for the detailed counter-affidavit as well as for the supplementary counter-affidavit. In the short rejoinder reply, the applicant has maintained his stand and rebutted the submissions of the respondents. The applicant has strongly refuted the contention of the respondents that there is a separate pool of the quarters for the civilian employees of Ordnance Depot, Fort, Allahabad. The applicant has also contended that the Director of Estates, Ministry of Urban Development has approved the allotment of the quarters from the general pool and inspite of that, the allotment has not been done.

6. The matter was listed for hearing on 02.12.1997 and none was present for the applicant while the counsel for the respondents - Sri P. Mathur was present. As per order dated 04.8.1997, last opportunity was allowed to the applicant for hearing as on several earlier dates, none was present on behalf of the applicant. Since neither the counsel for the applicant was present nor any request for adjournment has been made, I proceeded with the hearing of the matter in the absence of the counsel for the applicant. Arguments of the counsel for the respondents were heard. The material brought on record has ^{been} carefully gone through.

7. From the averments made by the applicant, it is quite obvious that there was no instructions existing for allotment of the civilian employees of Ordnance Depot Fort, Allahabad. The applicant has brought several documents on record which indicate that the reference has been made to the Director of Estates and even the Army Head-quarter has also taken up the proposal and necessary formalities as required, had also been completed. The applicant has contended that similarly placed civilian

employees of Central Ordnance Depot, Kanpur had been allowed allotment of the quarters from general pool as per letter dated 24.5.1993. On perusal of this letter, it is noted that this approval has been given specifically for the employees of Central Ordnance Depot, Kanpur and it does not imply that the same approval will be also valid for the Ordnance Depot, Fort, Allahabad. Therefore, the contention of the respondents that there were no instructions for allotment of the quarters from the general pool for the civilian employees of the Ordnance Depot, Fort, Allahabad is borne by the facts brought on record. The contention of the applicant that he was being denied allotment of the quarter from the general pool is not valid as civilian staff were not entitled as per the existing rules. The applicant could be allowed the allotment of the quarter from the general pool when his turn comes only when the civilian staff of the Ordnance Depot, Fort are entitled from the general pool. The applicant has alleged discrimination particularly on the part of respondent no.1. These allegations are vague as no effective material has been brought on record to show as to how the action of the respondent no.1 is discriminatory and malafide. The respondent no.1 has also not been made as party by name. Since the applicant was not eligible for the quarter from the general pool, his allegation of discrimination and malafide, do not survive on this account alone. As brought out by the respondents in the supplementary counter-affidavit, the approval has since been conveyed by the competent authority for making the civilian staff of the Ordnance Depot, Fort, Allahabad eligible for quarters from the general pool. With this notification, the applicant becomes eligible for the quarter. The respondents have also indicated that the applicant will be allotted accommodation from the general pool as per his turn.

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In view of this position emerging with the issue of the letter dated 13.11.1995, the grievance of the applicant no longer remains and the applicant has to wait for allotment of the accommodation as per his own turn.

8. In consideration of the above facts, the application has no merit and the same is dismissed accordingly. No order as to costs.

S. R. Rao
Member (A)

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