

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No. 108 of 1988

Date of decision : July 18, 1988.

Radhashyam Mallick, aged about 33 years,
son of Gopinath Mallick, Telecom Office Assistant,
Office of the Telecom District Engineer, Cuttack,
P.O. and District- Cuttack. ... **Applicant.**

Versus

1. Union of India, represented by the Secretary, Government of India, Department of Telecommunication, New Delhi.
2. General Manager, Telecommunication, Government of India, Orissa Circle, Bhubaneswar, P.O. Bhubaneswar, Dist- Puri.
3. Telecom District Engineer, Government of India, Department of Telecommunication, Cuttack- 753001, Dist- Cuttack.

... **Respondents.**

M/s Deepak Misra, R.N. Naik &
R.N. Hota, Advocates ... **For Applicant.**

Mr. Tahali Dalai, Addl. Standing
Counsel (Central) ... **For Respondents.**

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes .
2. To be referred to the Reporters or not ? No .
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes .

JUDGMENT

K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the order passed by the competent authority cancelling the allotment of one 'H' Type Quarters in his favour which was allotted, vide Annexure-1 dated 26.3.1988.

2. Shortly stated, the case of the petitioner is that he is an Office Assistant attached to the Office of the District Engineer, Telecommunication stationed at Cuttack. Vide Annexure-1 dated 26.3.1988 the District Engineer, Telecommunication allotted one 'H' Type Quarters at DET/SSPO Office compound (vacated by Shri K.C.Sahoo SS(0)) in favour of the petitioner which was reserved quarters for scheduled caste/ scheduled tribe. Subsequently on 30.3.1988 vide Annexure-2, the allotment of said quarters in favour of the petitioner was cancelled by the District Engineer, Telecommunication, Cuttack. Being aggrieved by this order contained in Annexure-2, the petitioner has come up before us ^{praying to} ~~to~~ quash Annexure-2 and restore the order passed, vide Annexure-1.

3. In their counter, the Opposite Parties maintained that wide publicity was not given and therefore many persons could not apply and the allotment contained in Annexure-1 was not properly done and therefore there was a necessity to cancel the allotment and re-allot the quarters to the persons legally entitled to the same.

4. We have heard Mr. Deepak Misra, learned counsel for the petitioner and Mr. Tahali Dalai, learned Additional Standing Counsel for the Central Government at some

length. Mr. Dalai submitted before us that the quarters in question is not a reserved one for scheduled caste/ scheduled tribe. From Annexure-1 which is a document containing the order of the District Engineer, it reveals that the 'H' Type quarters in question has been declared as a reserved quarters. In such circumstances, we are unable to accept the contention of Mr. Dalai that it is not a reserved quarters. Be that as it may, we were told that the petitioner was himself dealing with the file relating to allotment of quarters. " JUSTICE SHALL NOT ONLY BE DONE BUT THERE MUST BE MANIFESTATION OF JUSTICE BEING DONE ". Since the petitioner was admittedly dealing with the file in question, we think for the expediency to meet the ends of justice, this matter should be re-considered by the competent authority and necessary orders should be issued by the competent authority who should also take into consideration the case of the petitioner while considering the question of allotment of quarters in dispute.

5. Before we part with this case, we must observe that in these hard days it is very difficult to find ^a the residential accommodation at Cuttack. In case it is found that somebody else other than the petitioner is legally entitled to the quarters, we would direct that the petitioner should continue in the quarters in question till 15th November, 1988 to be vacated in favour of the fresh allottee who could be selected by the competent authority. In the circumstances stated above, Annexures-1 and 2 are hereby quashed entitling the competent authority

to re-consider and review the whole matter.

6. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

kgassay
..... 18.7.88
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN,

I agree.

B.R. Patel
..... 18.7.88
Vice Chairman.



Central Administrative Tribunal,
Cuttack Bench.
July 18, 1988/Roy, Sr.P.A.