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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No. 193 of 1988.

Date of decision : August 30, 1988.

Miss Bijaya Sahoo, daughter of Mandaradhar Sahoo,
Staff Nurse, Office of the Government of India Text Book Press
P.O. Sainik School, Bhubaneswar-5, Dist- Puri.

... Applicant.

Versus

1. Union of India through the Secretary, Ministry of Urban Development, New Delhi.
2. Directorate of Printing B. Wing, Nirmal Bhawan, New Delhi-11.
3. Manager, Government of India Text Book Press, P.O. Sainik School, Bhubaneswar-5, Dist- Puri.
4. Sri Dambarudhar Behera s/o Bidyadhar Behera, At present working as Binder Grade-II in Government of India Text Book Press, P.O. Sainik School, Bhubaneswar-5, Dist- Puri.

... Respondents.

M/s B.P. Das, H.N. Routray, S.C. Dash,
Bimal Das & G. Rout, Advocates ...

For Applicant.

Mr. A.B. Misra, Sr. Standing Counsel
(Central) &

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 permitted 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 prayer of the petitioner is to command the respondents to allot a quarters in favour of the petitioner.

2. Shortly stated the case of the petitioner is that she is a staff nurse attached to the office of the Government of India Text Book Press stationed at Bhubaneswar. Further case of the petitioner is that according to Rule 24 of Allotment of Government Residence to officers employed in Government of India Press, a quarters has to be reserved for a staff nurse and a quarters is bound to be provided to the incumbent who is in such a post. Hence the prayer.

3. In their counter, the respondents maintained that as soon as a quarters falls vacant, the same would be allotted to the petitioner.

4. We have heard Mr. Bimal Dash, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel for the Central Government at some length. Mr. Das submitted before us that a quarters was vacant till 28.6.1988 and it was reserved under Rule 24. This case was filed by the petitioner on 28.6.88 and it was listed for admission on 29.8.1988 when stay order was passed by this Bench and having got the information regarding filing of this case the concerned authority allotted the quarters to somebody else on 28.6.1988. This is a disputed question of

fact. We would not like to give any finding on this

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issue because this matter was once agitated before us and vide order dated 18.7.1988 we did not pass any orders on this controversial issue. Be that as it may, it was submitted before us by Mr. Tahali Dalai, learned Addl. Standing Counsel that it is expected that a quarters would become vacant within a month or so and as soon as it is vacant first preference would be given to the present petitioner and the said quarters will be allotted to the petitioner. In view of the concession made by the departmental authorities, we think that they would not go back ~~with~~ ^{nor} ~~by~~ the aforesaid statement. Therefore, we ~~do~~ direct that as soon as the quarters becomes vacant according to official status of the present petitioner, it should be allotted to her out-of-turn basis without any delay as such an indication had also been given by the Deputy Director (Admn.) Headquarters, New Delhi in his memo No. 52/61/87-A.5 dated 7.3.1988, vide Annexure-6.

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

legax *30.8.88*
.....
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN, *g agree.*

Ram Nath *30.8.88*
.....
Vice Chairman.

Central Administrative Tribunal,
Cuttack Bench.
August 30, 1988/Roy, S.P.A.