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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 221 OF 1990.

Date of decision: January, 4, 1991.

Subhadra Singh

: Applicant

versus

Union of India and others

: Respondents

For the applicant

: In person

For the Respondents

: Mr. A.K.Mishra, Sr. Standing
Counsel (CAT).

C O R A M:

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

AND

THE HON'BLE MR. N.SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the fair copy of 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.

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JUDGMENT

N.SENGUPTA, MEMBER (J), This application is for passing an order of retention of a quarters by the applicant which had been allotted to her father Shri Narendra Nath Singh who was an employee in the Postal Department. The said Shri N.N. Singh retired from Government service in September, 1989. The applicant's case is that she is now a Proof Reader in the Postal Printing Press at Bhubaneswar and she joined in September, 1988. But long prior to that she, along with other members of the Family, was putting up with her father Shri Narendra Nath Singh in the quarters in the Postal Colony, Unit-IV, Bhubaneswar. Instead of allotting the quarters in her favour, Respondent No.3 has directed Respondent No.4 to evict the applicant alongwith her father from the said quarters. The applicant made representation on 30.5.1990, besides the one earlier made on 20.9.89. The applicant who has appeared in person has urged that as she has been living in the said quarters since long and as it is not possible on her part to vacate the quarters, and as there are Rules entitling her to retain the quarters, Respondent No.3 may be directed to order retention of the said quarters by her.

2. The Respondents in their counter have maintained that the applicant is an employee of a different wing and she has to wait for her turn to come to get a quarters

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allotted to her from the Pool from which she is entitled to have one. They have further maintained that the Rules do not authorise retention of the quarters by the applicant or any member of her father's family.

3. We have heard the applicant in person and Mr. A.K.Misra learned Senior Standing Counsel (CAT) for the Respondents at some length. From the submissions made, it can be said that the applicant had been staying with the retired employee Narendra Nath Singh in the said quarters, she being the unmarried daughter of Narendra Nath Singh. The applicant remained in the quarters, as it appears, for definitely morethan three years. According to the principles decided in O.M. No.12035(7)/79.POL.II dated 1st May, 1981 any unmarried daughter of a retired Government employee is entitled to a concession in the matter of allotment of Government accommodation. The conditions are that such ~~unmarried daughter~~ herself would be entitled to Government accommodation and further that the concession would be only to the extent of providing accommodation one type below the one which was in occupation of the retired Government employee. Mr. Misra has very vehemently contended that the applicant should wait till her turn ~~will~~ comes and she will get a quarters from the Postal Printing Press Pool allotted to ~~her~~ and there is no justifiable ground to rush to this Tribunal.

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We are not much impressed by this contention of Mr. Misra in view of the aforesaid Office Memorandum.

4. In these circumstances, we would direct that the Respondents should provide accommodation in terms of Paragraph-7 of the said Office Memorandum.

5. ~~This, this~~ case is accordingly disposed of leaving the parties to bear their own costs.

Biswal 4/1/91
.....
VICE CHAIRMAN

A. Mohanty
.....
MEMBER (JUDICIAL)



Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty.