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(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 299 of 1993

Date of Decision: 1. 12. 1993

Raghunath Swain

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *NO*
2. Whether it be circulated to all the Benches
of the Central Administrative Tribunals or not ? *NO*

km 1/12/93
VICE-CHAIRMAN

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK**

Original Application No. 299 of 1993

Date of Decision: 1. 12.1993

Versus

Union of India & Others Respondents

For the applicant Mrs. Meera Das,
Advocate

For the respondents **Mr. Ashok Mohanty,**
Advocate

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C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the opposite parties to quash the allotment order passed in favour of Shri Debattari Behera.

2. Shorn of unnecessary details, it would suffice to say that the petitioner Shri Raghunath Swain is working in the Central Institute of Fresh Water Acquaculture, Kaushalyagango, Bhubaneswar as a Supporting Staff Gr.I and has subsequently been promoted to Gr.II on 26th June, 1984. A Type - I quarter bearing No.33 was allotted in favour of the petitioner Shri Raghunath Swain and according to him, he was in possession of the same. Suddenly, the same quarter has been allotted to Opposite Party No.4 (Shri Debattari Behera). This order is under challenge.

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3. In their counter the opposite parties maintain that office of the Director received an application from Shri Debattari Behera contained in Annexure-R/1 stating that he has been residing in the quarter No.33 which was allotted to Shri Raghunath Swain being a sub-lessee under Shri Swain with effect from 18th October, 1986 for which Shri Behera stated that Shri Swain has been receiving a rent of Rs.250/- per month from him. Two or three months prior to 19th June, 1992, Shri Swain enhanced the rent and in case Shri Behera is not prepared to pay the enhanced rent, he should vacate the quarter. An enquiry was conducted by three senior officers of the Institute and the Members of the Committee, after perusing relevant papers including the nirvachan patra indicated that Shri Behera was in possession of Quarter No.33; and after taking oral evidence the Committee came to a conclusion that the quarter in question ^{has} been sub-letted to Shri Behera by Shri Swain. Hence the authority concerned issued orders directing Shri Swain to vacate the quarter and the quarter was allotted in favour of Shri Behera. Therefore, in a crux it is maintained that rightly Shri Swain was asked to vacate the quarters, because, he had sub-letted the quarter on rent.

4. I have heard Mrs. Meera Das, learned counsel for the petitioner and Mr. Ashok Mohanty, learned Advocate appearing for the opposite parties.

5. I have gone through the report of the Members of the Committee. It is exhausted and the Committee has dealt the matter in extenso and considered the claim of

the petitioner from every angle. I have absolutely no iota of doubt in my mind to hold that the petitioner Shri Swain had sub-letted the quarter in question to Shri Behera thereby violating the conditions of ^{service} law. The Director was perfectly justified in canceling the allotment order issued in favour of Shri Swain and was equally justified in allotting the same quarter in favour of Shri Behera. Hence I find no merit in this application which stands dismissed leaving the parties to bear their own costs.

Behera *Agar*
1/12/93

VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 1/12/1993/B.K. Sahoo

