

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 616 of 1992

Date of Decision: 25.2.1993

Shri Benudhar Lenka

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s. Devanand Mishra,
Deepak Mishra,
A. Deo, R.N. Naii,
B.S. Tripathy,
P. Panda, D.K. Sahu,
Advocates

For the respondents

Mr. Ashok Mishra,
Standing Counsel
(Central Government)

三三三

C O R A M:

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

• • •

1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes

卷一百一十五

5

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, This case was fixed for admission and hearing to-day. With the consent given by the counsel for both sides I have heard this case on merits.

2. In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to direct the opposite parties to allot quarter bearing No.178 (Type-II) in favour of the petitioner.

3. Shortly stated the case of the petitioner is that he was initially appointed as a Time Scale Postal Assistant in the Sundargarh Postal Division and in course of time he has been transferred to Bhubaneswar and is now working as Upper Division Clerk attached to the Office of the Chief Post Master General, Bhubaneswar.

4. The petitioner had made an application for allotment of quarters while he was in the nontransferable pool. But admittedly, in the meanwhile the petitioner has come to the transferable pool in view of the circular issued by the Ministry of Communications in their letter dated 17.1.1993 on the subject 'Treating Group-C Staff of Circle/Regional Office as Transferable Category'. In view of such a changed situation it was submitted on behalf of the petitioner by Mr.B.S.Tripathy that juniors to the petitioner who are in the transferable category having already been allotted quarters, a government quarters should now be allotted to the petitioner and for that purpose appropriate directions should be given to allot quarter No.178 (Type-II) to the petitioner which is still vacant. The fact that some of the juniors to the petitioner have been allotted quarters

✓N

10

is not disputed in the counter and during the course of argument advanced by Mr. B. S. Tripathy, learned counsel for the petitioner and Mr. Ashok Mishra, learned Standing Counsel. It was also not disputed that the petitioner has since been occupying the transferable pool. Therefore, in all fitness of things, a quarter should now be allotted to the petitioner commensurate with his pay scale. It was submitted by counsel for the petitioner that according to present pay scale of the petitioner, he is entitled to Type-III quarters, but at present Type-III quarters is not vacant. The fact that juniors of the petitioner have already been allotted with quarters heavily weighs with me. Therefore, I would direct that Quarter No. 178 (Type-II) be allotted in favour of the petitioner Shri Benudhar Lenka for his occupation temporarily (if the quarters is now vacant) and as soon as the next vacancy occurs in regard to Type-III quarters, Shri Lenka should vacate this quarter (No. 178-Type-II) and occupy the Type-III quarters to be allotted to him within 7 days from the date of receipt of notice from the competent authority. In case Quarters No. 178 (Type-II) is not available, some Type-III quarters of Type-II or Type-III category must be located, and the same should be given to the petitioner Shri Lenka for his occupation. *now vacant or vacancy occurs in future.* Thus the application stands allowed leaving the parties to bear their own cost.

lego *OMS*
25/2/93

VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 25.2.1993 B.K. Sahoo

