

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 89 of 1992.

Date of decision : April 23, 1992.

Anu Karan Khakha ...

Applicant.

versus

Union of India and others ...

Respondents.

For the applicant...

M/s. S. K. Pattnaik,
A. K. Mohanty,
P. Pradhan, Advocates.

For the respondents ...

Mr. P. N. Mohapatra,
Addl. Standing Counsel (Central)

C O R A M:

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

A N D

THE HONOURABLE MR. C. S. PANDEY, MEMBER (ADMN.)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? *Mr.*
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K. P. ACHARYA, V.C. In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to the respondents to allot a quarter bearing No. 22 Type A in P & T Colony, Vani Vihar, Bhubaneswar in favour of the applicant.

2. Shortly stated, the case of the applicant is that the applicant is working as Telegraph Man in the Office of the Central Telegraph Office, Bhubaneswar and he is an employee within Class IV category. The applicant had prayed for a allotment of the quarters and the above mentioned quarter has been allotted to Respondent No. 5. Hence, this application with the aforesaid prayer.

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3. Counter has not been filed in this case but we have heard Mr.S.K.Pattnaik, learned counsel for the applicant and Mr.P.N.Mohapatra, learned Additional Standing Counsel (Central) for the respondents.

4. From the records we find that the applicant was infact the first person to get the quarters in question but his pay having been raised to Rs.40/- as an increment contained in Annexure-2, the applicant was not allotted the quarters in question. Ofcourse, there is no document to indicate that on this ground the prayer of the applicant has been rejected except the averments made in the petition to the above effect and we seriously think that this false statement would not have been made by the applicant. In case, this fact is true, we are of opinion that this approach of the Committee was not equitable or just and proper in the eyes of law. The pay scale as on the date of the application has to be taken into consideration for allotment of the quarters and change of circumstances, during the intervening period, has no bearing on the issue in question. We were told that Respondent No.5 has already taken possession of the quarters in question. We would not like to give any direction in this matter since a representation is pending with the Chief General Manager, Telecommunications filed by the applicant. We think it just and proper to leave this matter to the Chief General Manager, Telecommunication to render justice to the applicant and we direct that incase all these facts stated above asserted by the applicant are true and correct, the Chief General Manager Telecommunication should pass necessary orders making suitable arrangement.

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

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 MEMBER (ADMINISTRATIVE)

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 VICE-CHAIRMAN

Central Administrative Tribunal,
 Cuttack Bench, Cuttack.
 April 23, 1992/Sarangi

