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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No.146 of 1993

Date of Decision: 3.8.1993

Kunja Behari Sahoo

Applicant(s)

VERSUS

Union of India & Others

Respondent (s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *NY*
2. Whether it be circulated to all the Benches of *NY*
the Central Administrative Tribunals or not ?

Y. S. Jaiswal
MEMBER (ADMINISTRATIVE)

03 Aug 93

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VICE-CHAIRMAN

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Kunja Behari Sahoo Applicant

VERSUS

Union of India & Others Respondents

For the applicant

M/s.S.K.Bak
S.K.Dey
B.B.Mohanty
Advocates

For the respondents

Mr.Akhaya Mishra
Standing Counsel
(Central Government)

C O R A M:

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

AND

THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN)

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the order dated 3.8.1992 allotting quarter No.F-22/8 in favour of Opposite Party Nos.3 and 4, and to direct the opposite parties to allot the said quarter to the petitioner.

2. Shortly stated the case of the petitioner is that, he joined the Central Water Commission in the office of OP No.1 on 11.4.1985. The petitioner had made an application for allotment of a Government quarter. In the year 1987, a quarter was allotted to the petitioner to be shared with another person. Though the petitioner was aware that he had to face some difficulties to remain in the said quarter along with his family members to be shared by another person, yet, he accepted this allotment hoping that his turn for allotment of an exclusive quarter would materialise very soon to ~~regain~~ ^{relieve} his difficulties. A list was drawn up according to rules fixing different L.D.Cs in seriological order who are to be allotted quarters. The petitioner was placed against Serial No.4. Even though officers placed against Sl.Nos.1,2 and 3 have been allotted quarters, the case of the petitioner placed against Sl.No.4 has not been favourably considered. On the other hand Quarter bearing No.F-22/8 has been allotted to OP Nos. 3 and 4, who are directed to share the same. According to the petitioner, this order being an arbitrary one, it is liable to be quashed and therefore, this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that

whenever the turn of the petitioner comes, certainly, he would be allotted with a Government quarters.

4. We have heard Mr.S.K.Dash, learned counsel for the petitioner and Mr.Akhaya Mishra, learned Standing Counsel.

5. Though Mr.Akhaya Mishra strenuously urged before us that the petitioner will be allotted with a quarter as soon as his turn comes, and further submission was that the petitioner has not yet been deprived of his allotment rights, this application should be in limeline dismissed; the admitted factual position as are follows:

- 1) The petitioner was given a quarter to be shared with another person, and the petitioner has since vacated the same.
- 2) The petitioner was placed against Sl.No.4 of the waiting list.
- 3) Though the petitioner is placed against Sl.No.4, yet, OP No.3 and 4 have been allotted with the said quarter to be shared (though F. type quarter is to be allotted to the L.D.Cs and Khalasies are not entitled to F.Type quarters)

6. There is no appearance on the side of the Opposite Party Nos.3 and 4. From the aforesaid admitted facts, of the case, it appears ^{to} us that gross injustice has been done to the petitioner who ~~has~~ placed against Sl.No.4. Even though Mr.Akhaya Mishra strenuously argued that the interest of the petitioner has not yet been jeopardised and definitely the concerned authority will take appropriate steps to redeem the difficulties of the petitioner as soon as a vacant quarter is available, yet, we are not satisfied with this argument. The petitioner having been placed against Srl.No.4, first preference should have been given, because ^{after quarters have been allotted opposite placed against Sl.No.3} because

undisputedly L.D.Cs are entitled to F.type quarters. Therefore, it ~~was~~ illegal and against all canons of equity, justice and fairplay to have deprived the petitioner of his right to get the quarter mentioned above.

7. We would, therefore, quash the quarter allotment order passed in favour of Opposite Party Nos. 3 and 4 and direct that the said quarter be allotted in favour of the petitioner, who should be allotted with the said quarter within 10 days from the date of receipt of a copy of this judgment. The interim order passed on 29.4.1993 stands automatically vacated.

8. Thus the application stands allowed. No costs.

B.K. Sahoo
MEMBER (ADMINISTRATIVE)
3.8.93.

B.K. Sahoo
3.8.93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 3.8.1993/B.K.Sahoo

