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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 611 OF 1993

Cuttack this the 16th day of September, 1994.

Antaryami Mahallik

...

Applicant

Versus

Union of India & Others

...

Respondents

(FOR INSTRUCTIONS)

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

1. Rajendra Prasad
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 611 OF 1993

Cuttack this the 16/11 day of September, 1994.

CORAM:-

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

...

Antaryami M. Mahallik, 40 years,
son of Gopinath Matagaj Singh,
At-Jayamangal, PO-Narasinghpur,
District-Cuttack.

... Applicant

By Advocate :- M/s. Deepak Misra, A. Deo,
B. S. Tripathy, P. Panda,
D. K. Sahu, .

Vs.

1. Union of India represented by its
Secretary, Indian Council Agricultural
Research, Krishi Bhavan, New Delhi.
2. Director, Central Institute of Fresh
Water Acquaculture, Kausalyagang,
Bhubaneswar, District-Khurda.
3. Juhdistir Parida,
Central Institute of Fresh Water
Acquaculture, Kausalyagang,
Bhubaneswar, Dist-Khurda. ... Respondents

By Advocate :- Mr. Ashok Misra, Sr. Standing Counsel
(Central).

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ORDER

MR. H. RAJENDRA PRASAD, MEMBER (ADMN.) : In this application Shri Antaryami

Mahallik, Supporting Staff Grade-II, Central Institute



of Fresh Water Acquaculture, Kaushalyagang, Bhubaneswar, protests against the allotment of a Type-I quarters to Shri Yudhistir Parida (Respondent No. 3), a colleague in the same cadre and similar post, by over-looking his own seniority.

2. Shri Mahallik was an applicant for allotment of a Type-I quarters. The applicant as well as Respondent No. 3 entered the service on the same date, i.e., 10. 6. 1977. Both were promoted to S. S. G-II on the same date, i. e., 28. 2. 1990. Shri Mahallik is at Sl. No. 7 of the seniority list while Respondent No. 3, Shri Parida, is at Sl. No. 9. Thus, there is not too much to distinguish or choose between the two officials though the applicant is admittedly slightly senior of the two. In the normal course, the vacant quarters should have been allotted to the applicant on consideration of seniority. It was, however, allotted to Respondent No. 3, even though a junior.

3. The Respondents, in their counter-affidavit invite attention to Rule No. 9(1) of the Allotment of Residence Rules, 1991, which, interalia, states :-

" The Institute may reserve accommodation for such persons as are required ... to attend official duties at odd hours...".

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It is noticed from the record produced on behalf of Respondent Nos. 1 and 2 that Shri Parida had in fact applied for allotment of a suitable residential quarters on this very ground. In his application, he stated as under :-

" As per the instruction of the Asstt. Admn. Officer (Establishment), I am attending office beyond office hours even sometimes in whole night also. Being the supporting staff of establishment section I go to PMG, RMS, GPO and other Pvt. Carrier service at Bhubaneswar beyond office hours. Besides that I am attending the office on sunday and holidays too when asked by the Asstt. Admn. Officer. As I have not allotted a residential quarters in the Campus, I am facing much more difficulties to come and work in the holidays and beyond office hours."

The application bears an endorsement of his immediate superior, which is asunder :-

" Shri Y. Parida's services are quite essential for attending to despatch of the letters, telegrams and letters. Hence the quarter may kindly be allotted".

The application seems to have been recommended further to the Director, by the next superior officer in the following terms:-

" Director may kindly consider his case for allotment of a quarters in view of the justifications given above. It is needless to mention here that his services during the office hours and holidays were helpful to administrative section on several

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occasions particularly during the budget preparation etc. Moreover, he is the only male supporting staff whose services are very much required on such off hours as the other male staff member Shri D. Barik is old and cannot take heavy work load and Smt. Ushabati Naik being a lady cannot attend to such duties at odd hours too.

Forwarded to Director".

The application was thereupon properly directed to be placed before the Quartering Committee for consideration. The Committee, comprising three officers, duly considered the applications of the applicant as well as Respondent No. 3 and recommended as follows :-

" A. While scrutiny of the applications under Type-I quarters the following staff members were considered for 3(three) vacant quarters.

1. Shri Yudhistir Parida | Date of joining in
2. Shri Antaryami Mahallik | service 10.6. 1977.

As Shri Y. Parida is required (letter enclosed) to attend the office work during off time and even on holidays, his case may be considered by the Director".

In accepting the recommendations of the Committee, the Director made the following observations :-

" While seniority is certainly a criterion for allotment of quarters, it is equally important to see the interest of work at the institute and the family problems of the employees. In view of these criteria put together the vacancies may be allotted to

- i) Shri C. Behera
- ii) Shri Debahari Behera
- iii) Shri Yudhistir Parida.

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The quarters likely to fall next may be allotted to Shri Antaryami Mahallik, SSG-II".

4. Shri Y. Parida was thus allotted Type-I quarters No. II on 6. 10. 1993. According to another letter produced by the Respondents, the said vacant quarters was taken over and occupied by Shri Parida on 6. 10. 1993 itself, whereas this present application was filed on 3. 11. 1993, and then came up for admission on 5. 11. 1993. Under the circumstances, the following order passed by this Tribunal became infructuous:-

"In case OP No.3 Shri Judhistir Parida has not occupied the quarters (Allotted to him) as yet he is restrained from taking possession of the said quarters and OP No.2 is also restrained from giving occupation of the said quarters to OP No.3".

5. I have considered the facts carefully. It is crystal-clear that, in allotting the vacant quarters to Shri Parida, the Respondents have not acted mala-fide because the Director has recorded the following orders while allotting the quarters to Shri Parida ;-

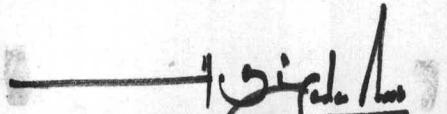
" The quarters likely to fall next may be allotted to Shri Mahallik, SSG-II".

The action is not illegal because the rules do empower the authorities to accord priority in the allotment of quarters to any one who is required to attend official duties at irregular or odd timings. From the

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various endorsements and recommendations produced in this case, it is clear that the authorities have not only acted in the interest of the institution but have also not been deliberately unfair or partial to any one.

6. In view of the circumstances as stated above, there is no ground on which the action of the authorities can be faulted. The application is, therefore, disallowed. No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

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