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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 651 OF 1993

DATE OF DECISION: 3RD DECEMBER , 1993

Bhaja Swain

....

Applicant

Versus

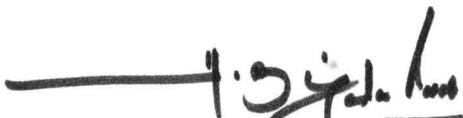
Union of India & Others

....

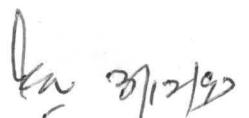
Respondents

( For Instructions )

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

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

03 DEC 93

  
(K.P. ACHARYA)  
VICE CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 651 of 1993

Date of decision: December 3, 1993

Bhaja Swain	....	Applicant
		Versus
Union of India & Others	....	Respondents
For the Applicant	... M/s B.Nayak, A.K.Dora, Advocates	
For the Respondents	... Mr.Uma Ballav Mohapatra, Additional Standing Counsel (Central)	

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C O R A M:

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

&

THE HON'BLE MR.H.RAJENDRA PRASAD (MEMBER) ADMN.)

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J U D G M E N T

K.P.ACHARYA, V.C. In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash Annexure-5 directing the opposite parties to pay arrear dues of the petitioner and to consider the case of the petitioner for of a Group D quarters.

2. Shortly stated the case of the petitioner is that he is a Group D employee and now serving at Kottakola in the District of Ganjam. The Petitioner's prayer to quash the office order of transfer to Kottakola in the District of Ganjam was dismissed.

The Petitioner is now under occupation of a Government

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in Bhubaneswar,  
 quarters unauthorisedly belonging to the Department. The  
 Petitioner is not vacating the said quarters. Hence  
 this application has been filed with the aforesaid  
 prayer. This case came up for admission today. We did  
 not think it just and proper to keep the matter  
 unnecessarily pending. Since the case is involved with  
 certain facts which are practically undisputed we  
 propose to dispose of the case finally.

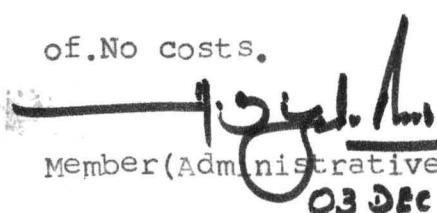
3. We have heard Mr. B. Nayak learned counsel  
 appearing for the petitioner and Mr. Uma Ballav Mohapatra  
 learned Additional Standing Counsel (Central).

4. We cannot appreciate the conduct of the  
 petitioner in retaining unauthorised occupation of  
 a quarters at Bhubaneswar although he is working at  
 Kottakola. This action on the part of the petitioner  
 was thoroughly deprecated in a judgment of this Bench  
 passed in Original application No. 328 of 1992 disposed  
 of on 28.8.1992. The grievance of the petitioner before  
 us is that as yet salary of the petitioner for last two  
 years has not been disbursed. We are unable to ascertain  
 the correctness of the statement. Be that as it may, the  
 petitioner is directed to vacate the quarters positively  
 by the afternoon of 31st December, 1993 failing which  
 proceeding for contempt will be initiated against him.  
 Opposite Party No. 3 the Superintending Archaeologist  
 Cum Estate Officer, stationed at Bhubaneswar is directed to  
 report to this Bench on 3rd January, 1994 as to whether  
 the petitioner has vacated the quarters or not. In case

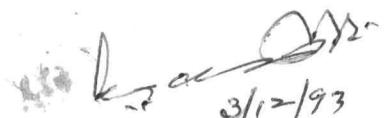
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he has not vacated Opposite party No.3 Would be at liberty to take necessary action against the petitioner as contemplated under the law and addition to the above this Bench will draw proceeding for contempt against the petitioner.Opposite Party No.3 is directed that all dues payable to the petitioner including his salary should be sent to the petitioner under a 'cheque' in his present address by the ~~exxx~~ Registered Post with Acknowledgement due within 20th December,1993.The petitioner should bear in mind that payment of salary or receipt thereof has no connection with the question of vacating the quarters in question.Mr.Nayak learned counsel appearing for the petitioner under-takes to inform the petitioner immediately.Registry is directed to serve a copy of this judgment on Mr.Nayak learned counsel appearing for the petitioner and Mr.Uma Ballav Mohapatra learned Additional Standing Counsel(Central) by 6th December,1993.

5. Thus, the application is accordingly disposed of.No costs.

  
Member (Administrative)

03 DEC 93

  
Vice-Chairman

3/12/93

Central Admn. Tribunal,  
Cuttack Bench, K.Mohanty,  
3rd December, 1993.