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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

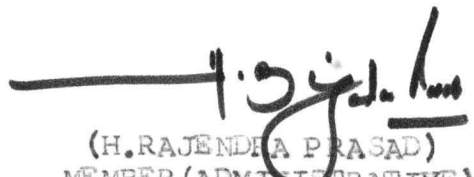
Union of India & Others

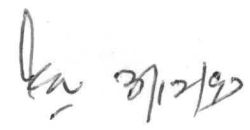
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Respondents

(For Instructions)

1. Whether it be referred to the reporters or not? *NO*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? *NO*


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)
03 DEC 93


(K.P. ACHARYA)
VICE CHAIRMAN

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Respondents

For the Applicant

... M/s B.Nayak, A.K.Dora, Advocates

For the Respondents

... Mr. Uma Ballav Mohapatra,
Additional Standing Counsel
(Central)

C O R A M:

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

&

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

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 ^{under Respondent No. 3} and now serving at Kottakola in the District of Ganjam. The Petitioner's prayer is to quash the ~~office~~ order of transfer to Kottakola in the District of Ganjam was dismissed.

fn The Petitioner is now under occupation of a Government

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 order~~ 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


3/12/93
Vice-Chairman

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