

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Misc. Application No. 352 of 1994  
and

Original Application No. 143 of 1994

Date of Decision : 9.8.1994

Managobinda Sarangi

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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

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1.9.1994  
MEMBER (ADMINISTRATIVE)

09 Aug 94.

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK**

Original Application No.143 of 1994

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## Managobind Sarangi

**Applicant**

## Versus

Union of India & Others

### Respondents

For the applicant

M/s. S. K. Dey,  
B. B. Patnaik,  
Advocates

### For the respondents

Mr.Akhaya Mishra,  
Addl.Standing Counsel(Central)

## C O R A M:

THE HONOURABLE MR. HARAJENDRA PRASAD, MEMBER (ADMN)

## JUDGMENT

MR .H .RAJENDRA PRASAD, MEMBER (ADMN) : Shri Managobinda Sarangi, Asstt. Post Master (Accounts) Jajpur Head Office, was permitted to share accommodation with Shri K.C.Sahu, Postal Assistant (OP No.4) in the same Head Post Office in August, 1991. Shri Sahu was transferred and posted to Mangalpur Sub-post Office on 31.1.1994. At the point of his relief from Jajpur Head Post Office, Shri Sahu requested the Superintendent of Post Offices, Cuttack North Division, to permit him to retain the quarters for two months. In the meanwhile, the applicant himself represented to the Superintendent of Post Offices that he may be allotted the quarters to be vacated by Shri Sahu with whom he had been sharing accommodation for few months. On 22.3.1994, this original application was admitted and a direction was issued that Shri Managobinda Sarangi, the applicant, should not be evicted from the

admitted and a  
Sarangi, the a  
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quarters he was occupying at that time.

2. The case came up for hearing to-day. Earlier, on 22.6.94, the respondents had filed Miscellaneous Application No.352/94, for vacation of the said stay orders. Shri S.K.Dey, learned counsel for the applicant, and Shri Akhaya Mishra, learned Addl. Standing Counsel (Central) were heard in the matter.

3. It is to be stated in the very first instance that the applicant does not possess a right to continue in the said quarters merely because an official with whom he was permitted to share accommodation was posted out of Jajpur before the completion of his (i.e., latter's) tenure. Nor does he become automatically entitled to allotment of accommodation solely because he was permitted to occupy a part of the quarters. His claim should really be considered against the basic criteria of eligibility and seniority vis-a-vis other applicants, if any, for allotment of quarters. If he is eligible and senior enough, an allotment order should be issued in his favour. If he does not come up in seniority or is otherwise ineligible for any reason, he shall have no right to press the claim.

4. Keeping in view the facts of the case, it is directed that Superintendent of Post Offices, Cuttack North Division may finalise the matter relating to allotment of quarters at Jajpur taking into consideration the number of quarters available for allotment, the number of applicant(s) and Shri Managobinda Sarangi's own seniority/entitlement.

It was mentioned on behalf of the applicant that

15/6/94

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in accordance with the reclassification of quarters recently decided by the Department, he is eligible for a particular type of quarters, and further that if the quarters of the specified or entitled type are not available for allotment he should be allowed to retain a type of accommodation which is next below his entitlement. Secondly, it was mentioned that the number of quarters available for allotment is in excess of the number of applicants. These are of matters which will naturally be examined and taken into consideration by the Superintendent of Post Offices while making allotments. All that can be said at this stage is that any decision taken by him should stand the test of facts and rules on the subject. Let a suitable and fair decision, therefore, be taken in the matter. Orders of allotment(s) shall be issued on 20th August, at the latest. If the present applicant is allotted the same quarter, there is no need for any physical move by him. If he is allotted another quarter, he should shift to the quarters thus allotted to him within 2 days thereafter. The same date will hold good for his move if no quarters are allotted to him at all.

Thus the Misc. Application as well as the original application are disposed of. No costs.

1.51.1  
MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal 09 Aug 94.  
Cuttack Bench, Cuttack  
dated the 9.8.1994/ B.K. Sahoo