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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK

O.A.NO.463/95

Cuttack, this 17th day of June 1997

Sri Bharat Sethi

....

Applicant

Vrs.

Union of India
& others

....

Respondents

(FOR INSTRUCTIONS)

- 1) Whether it be referred to the reporters or not? *yes*
- 2) Whether it be circulated to all the Benches of the *yes*
Central Administrative Tribunal or not?

Narasimha S
(N.SAHU) 17.3.97
MEMBER (ADMINISTRATIVE)

B.S. Jai Parameswar
(B.S. JAI PARAMESHWAR)
MEMBER (JUDICIAL)

22/4/97

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

O.A.NO.463/95
Cuttack, this the 17th day of June 1997

CORAM:

HONOURABLE SHRI N.SAHU, MEMBER (ADMINISTRATIVE)
AND
HONOURABLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

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Sri Bharat Sethi,
General Store Keeper (Deputation),
Postal Printing Press,
Mancheswar, Bhubaneswar-10,
Dist. Khurda

.....

Applicant

Advocates for applicant - M/s C.R. Misra,
D. Behera, G. Misra,
U.C. Behera & T.K. Mandal

-versus-

- 1) Union of India, represented through
Secretary, Ministry of Communication,
Department of Post,
Government of India, New Delhi.
- 2) Chief Post Master General, Orissa Circle,
At-Sachivalaya Marg,
Bhubaneswar, Khurda.
- 3) Sr. Superintendent of Post Offices,
Bhubaneswar Division,
At/P.O-Bhubaneswar, Dist. Khurda.
- 4) Manager, Postal Printing Press,
Government of India,
Mancheswar, Bhubaneswar

....

Respondents.

Advocate for respondents - Mr. Ashok Misra.

O R D E R

N.SAHU, MEMBER (ADMN.)

The applicant worked for a period of four years as a General Store Keeper in the Postal Printing Press. He submitted an application for allotment of a Type-II quarter for the year 1993-94 on 24.3.1993. His application for allotment of quarter was returned to the Manager, Postal Printing Press

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because respondent no.3 found that the Bhubaneswar Postal Division quarters were filled up by eligible officials. It is stated that all the officials whom the quarters were allotted were senior to the applicant. He also submitted in the prescribed form an application for Type-III quarter for the allotment year 1994-95 on 18.3.1994. He was not found eligible since other senior eligible officials had also applied.

2. Initially the applicant was kept out of consideration from the Postal Pool and was earmarked for the Printing Press Pool. Thus vacant quarters available under the disposal of the Senior Superintendent of Post Offices (respondent no.3) were allotted to other eligible officials of the Division. The applicant represented on 11.4.1994 to the C.P.M.G. (respondent no.2) who directed that the name of the applicant should also be kept alive for allotment during the allotment year 1994-95. It is stated that three Type-III quarters are now lying vacant, out of which two quarters were to be filled up from the Divisional Pool by respondent no.2. It is stated that three officials senior to the applicant are in waiting and as such he is not entitled to get a quarter during the allotment year 1994-95.

3. In the rejoinder the applicant states that a Type-III quarter was allotted to one Sri Purnendu Kumar Das who was junior to him in service without considering his case. It is stated that the applicant was eligible to get a quarter from the available vacant quarters of 1993 quota from the Divisional Pool of the Bhubaneswar Postal Division. It is evident from Annexure-R/4 to the counter filed by the respondents, says the applicant in the rejoinder, that during 1993-94 allotment of quarters has not been made by respondent no.3 as per seniority.


[Handwritten signature] *[Handwritten signature]*


4. We have carefully considered the submissions of rival counsel. The C.P.M.G. by his letter dated 8.12.1994 had disapproved non-allotment of departmental quarter to the applicant on deputation to the Postal Printing Press. He decided that deputationists are to be allotted quarters from the parent Postal Pool. The relief prayed for by the applicant is to allot one quarter in his favour from the quota of Bhubaneswar Postal Division. Respondent no.3 should work out the eligibility position of the applicant for a Type-III quarter during 1993-94 in line with the decision of the C.P.M.G. that he was entitled to a quarter from the parent Postal Division Pool quarters and that his deputation to the Postal Printing Press should not come in the way of fresh consideration of his case. If according to the Rules, the applicant is eligible during 1993-94, regardless of his application only for Type-II quarter, then he should be considered for ^{an} allotment. If he is not eligible for 1993-94, he should be considered for 1994-95 for a Type-III quarter. The injustice that has been done to the applicant is confined to the period during which he was not given consideration in the regular Postal Division Pool because he was sent out to the Printing Press. This injustice has been redressed by the C.P.M.G. Respondent no.3 shall, therefore, re-work the eligibility of the applicant for a Type-III quarter during 1993-94 and 1994-95. If under the Rules he is eligible to get a quarter from the regular Postal Division Pool, he should be given an allotment of the entitled quarter. If he is not eligible, a properly exhibited seniority position and availability of quarters should be

conveyed to him, with the further intimation as to when he would be eligible. If otherwise he is eligible both for Types II and III quarters in 1993-94, his application should not be ignored, simply because he applied only for a Type-II quarter. That application should be read as an application for a Type-III quarter.

With the above observations and direction, the Original Application is disposed of.


(N. SAHU) 17.3.97
MEMBER (ADMINISTRATIVE)


B.S. JAI PARAMESHWAR, MEMBER (JUDL.)
