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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 340 OF 1996
Cuttack this the 24th day of May, 2000

Chintamani Sahoo

...

Applicant(s)

-VERSUS-


Union of India & Ors.

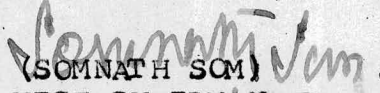
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Respondent(s)

(FOR INSTRUCTIONS)

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


(J.S. DHALI WAL)
MEMBER (JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN

24/5/2000

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 340 OF 1996
Cuttack this the 24th day of May, 2000

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND

THE HON'BLE SHRI J.S.DHALIWAL, MEMBER (JUDICIAL)

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Chintamani Sahoo
aged about 31 years
Son of Jaladhar Sahoo
at present working as Caneman
under the Garrison Engineer,
Gopalpur on Sea, At/PO: Golabandha
Dist: Ganjam

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Applicant

By the Advocates

M/s. -

-VERSUS-

- S Som*
1. Union of India represented through
Secretary, Department of Defence,
New Delhi
 2. Engineer-in-Chief Army Headquarters
Kashmir House, New Delhi
 3. Chief Engineer, Central Command
Lucknow, Uttar Pradesh
 4. Garrison Engineer, Gopalpur on Sea
At/PO: Golabandha, District: Ganjam (Orissa)
 5. B.S.O., Gopalpur on Sea
At/PO: Golabandha, Dist: Ganjam

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Respondents

By the Advocates

Mr.S.B.Jena
Addl. Standing Counsel
(Central)

...

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN: In this Application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for a direction to respondents to provide him married accommodation out of turn basis.

2. At the outset it must be noted that on 20.3.2000 Shri S.K. Behera, learned counsel for the petitioner submitted that the applicant has taken away the brief and his name should be deleted. To-day when the matter was called none appeared for the petitioner nor he made any alternative arrangement. As in this case pleadings have been completed long ago and ~~the~~ **this** being a 1996 matter, it would not be possible to drag on the matter indefinitely. We have, therefore, heard Shri S.B.Jena, learned Addl. Standing Counsel and perused the records.

3. The case of the applicant is that he is a blind person and Medical Board has certified that he is 40% physically handicapped. He has stated that true copy of his Identity Card is at Annexure-1. Applicant was appointed as a Caneman under the respondents. He is married and has a small child. He is staying in a rented house in village ~~Kemalpur~~, which according to him is 8 kms. away from the place of duty. He has been representing for allotment of Married accommodation out of turn basis, but the B.S.O., Gopalpur on Sea (Res.5) out of enmity against him has taken no action. He has stated that even though Govt. instructions do provide for allotment of quarters to blind person out of turn basis, the other departmental authorities (Res.1 to 4) have also not acted in accordance with the instructions and that is why he has approached the Tribunal in this O.A. with the prayers referred to earlier.

4. Respondents in their counter opposing the prayer of the applicant have stated that at Gopalpur, where the applicant is working there is no general pool accommodation or accommodation for what is known as M.E.S. quarters, excepting quarters for key personnels and according to rules only key personnels who have also been defined in the Rules (Annexure-R/1) can be allotted those quarters. Respondents have further denied the averment of the applicant that he has to move 16 kms. every day (to and fro) to the place of work. According to respondents he has to move only 2 kms per day for this purpose. Respondents have further stated that even for getting accommodation out of turn basis a total blind person is only eligible. Applicant is 40% blind and he is coming to office by cycle and he has also been seen driving the Scooter and therefore it is stated that he is not eligible as a blind person under the rules to get out of turn allotment of quarters. We have gone through the pleadings and considered the submissions of learned Addl. Standing Counsel carefully.

5. In the Identity Card it is mentioned that the applicant is blind to the tune of 40%. According to Govt. of India orders regarding adhoc allotment of residential accommodation to Govt. of India servant, adhoc allotment can be made to physically handicapped employees who are eligible for general pool accommodation. In case of blind persons it has been specifically provided that only those blind persons, who suffer from either of the following conditions would be entitled to such allotment.

- (i) Total absence of sight
- (ii) Visual Acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses
- (iii) Impression of the field of the vision subtending an angle of 20 degree or worse

V. S. M.

These instructions are quoted from Swamy's Compilation of F R S R (Part - I) of 12th Edition at Page 360.

The applicant in his petition has nowhere stated that his loss of sight is to the tune of the above standard. So far as his averment that his blindness to the tune of 40% is concerned, these by itself will not make him eligible to adhoc allotment unless he suffers from loss of sight to the tune indicated in the Government of India referred to by us above.

6. It has also to be noted that this circular is only for adhoc allotment for such physically handicapped persons. Here the applicant is asking for out of turn allotment. In support of his prayer along with his rejoinder he has annexed SR 317-b-9. This S R dealing with allotment out of turn is no longer in force and has already been deleted as could be seen in Swamy's Compilation at Page 360., as referred to by us earlier. The other aspect of the matter is that at Gopalpur there is accommodation only for key personnel. As has been submitted by the respondents key personnels have been defined as "an individual whose presence in the proximity of the installation is considered inescapable by virtue of his ~~xxxx~~ trade/qualification and his designation and whose requirement may arise at a short notice for attending to maintenance and operation of installations after working hours irrespective of the time of the day. The applicant is a Caneman, whose sole job is to cane the furnitures in the office and this nature of job by no stretch of imagination can be construed as Key Personnel. On this ground also prayer of the applicant fails.

S. Som.

In view of the discussions held above we find that the applicant has not been able to make out a case for any of the relief prayed for. In view of this the O.A. is held to be without any merit and the same is rejected, but without any order as to costs.

J.S.D.
(J.S.DHALIWAL)
MEMBER (JUDICIAL)
24.5.2003

B.K.SAHOO//

Somnath S.M.
(SOMNATH S.M.)
VICE-CHAIRMAN
24.5.2003