

Order dated 16.5.2000

In this Application the applicant has prayed for quashing the order dated 21.3.1998 vide Annexure-1 allotting Quarters No.T/45/B-Type II in favour of K.Murmu on vacation by Shri A.B.Paikray, Driver on superannuation. Applicant has also prayed for allotment of this quarters to him being the senior most person. He has also submitted that Quarter Allotment Committee has wrongly mentioned that the applicant had only applied for allotment of Type-45 A Type Quarters, which according to him is not correct.

In this case inspite of large number of adjournments respondents have not filed counter. In view of this the matter was posted to to-day peremptorily for final disposal at the admission stage. When the matter was called to-day Shri D.N. Mishra, learned Standing Counsel for the respondents filed a memo with copy to learned counsel for the petitioner submitting that consequent upon ~~the~~ raising of age of retirement from 58 to 60 years the person who was occupying the quarters is continuing in service and the said quarters has not been vacated. Accordingly the departmental authorities have already cancelled allotment of the quarters in favour of K.K.Murmu. In view of the above submissions made by the learned Standing Counsel in a memo filed to-day it is clear that first prayer of the applicant for canceling allotment of quarters in favour of K. Murmu has already been allowed by the departmental authorities and therefore, this prayer has become infructuous.

It is submitted by the learned counsel for the petitioner that he may be allowed time to obtain instruction on this point. As the above memo filed by Shri Mishra canceling allotment of quarters in favour of Shri Murmu, we feel that no purpose would be served by dragging the matter further. In view of this this O.A. is disposed of with a direction that in case the applicant finds that the allotment order at Annexure-1 allotting quarters in favour of Shri K.Murmu has not been cancelled, he is free to approach the Tribunal by ~~for rectifying his order~~ filing a separate O.A. No costs.

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VICE CHAIRMAN

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MEMBER (JUDICIAL)