

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 477 OF 1998
Cuttack this the 24th day of April, 2000

Aparti Biswal

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Applicant(s)

- VERSUS -

Union of India & Others

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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*

(G.NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som,
(SOMNATH SOM)
VICE-CHAIRMAN

24/4/2000

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.477 OF 1998
Cuttack this the 24th day of April, 2000

CORAM:

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

THE HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDICIAL)

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Aparti Biswal, aged about 39 years
Son of Bhagaban Biswal of Village:
Khalikote, presently working as
Poultry Attendant in the Central
Poultry Breeding Firm, Nayapali
Bhubaneswar, District: Khurda

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Applicant

By the Advocates

M/s.D.N.Mishra
S.K.Panda

-VERSUS-

1. Union of India represented through
the Secretary, Animal Husbandry
Poultry Breeding Firm, Government
of India, New Delhi
2. The Director, Poultry Breeding Firm,
Government of India, At: Nayapalli,
Bhubaneswar, District : Khurda
3. Sri Nageswar Sahoo,
presently working as Driver of
Central Poultry Breeding Firm
At/PO: Bhubaneswar, Dist:Khurda

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Respondents

By the Advocates

Mr. S.Behera
Addl. Standing Counsel
(Central)

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O R D E R

MR. SOMNATH SOM, VICE CHAIRMAN: In this Application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing the order of allotment of Type I quarters in favour of Shri N.Sahoo, Driver and for a direction for allotment of that quarters in his favour as per recommendation of the House Allotment Committee.

2. Respondents have filed show cause and counter opposing the interim prayer as also the final relief prayed for by the applicant.

3. For the purpose of deciding this Original Application it is not necessary to go into too many facts of this case. The ~~has been~~ admitted position is that the petitioner ~~is~~ working as Poultry Attendant from August, 1984 and had applied for allotment of quarters. According to his pay scale he is entitled to Type-I quarters. The House Allotment Committee ^{met} on 17.8.1998 and considered and recommended allotment of one Type-II and one Type-I quarters. They recommended allotment of Type-I quarters in favour of the applicant and in respect of Type-II quarters, the House Allotment Committee recommended the name of one H.Sethi, Firm Supervisor. Apparently in the House Allotment Committee some members of the staff were included and the Headclerk who was a member of the House Allotment Committee recorded a note dissent with regard to recommendation of allotment of Type-II quarters in favour of Shri H.Sethi, Farm Supervisor. The Headclerk recommended that Type-II quarters should be allotted to the Driver-cum-Mechanic Shri N.Sahoo. Notwithstanding the recommendation of the House Allotment Committee, ~~the Director allotted Type-I quarters in favour of Shri N.Sahoo, Driver. The applicant~~

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has stated that as Shri N.Sahoo is driving the Staff car and is in the Grade of Driver favouritism has been shown to him and recommendation of the House Allotment Committee has been ignored.

4. Respondents in the counter have stated that even though the House Allotment Committee had recommended allotment of Type-I quarters in favour of the applicant Shri A. Biswal, some of members of the staff met the Director and suggested that Type-I quarters should be allotted to the Driver as staying of the Driver within the office campus will be beneficial to the staff members generally, because in that case the services of the Driver would be available at odd hours during emergency. On the above grounds respondents have opposed the prayer of the applicant.

5. We have heard Shri D.N.Mishra, learned counsel for the petitioner and Shri S.Behera, learned Addl. Standing Counsel appearing for the departmental respondents and also perused the records.

6. The admitted position is that the petitioner is entitled to Type-I quarters and the House Allotment Committee, in which members of the staff ^{are} represented recommended allotment of the vacant Type-I quarters in favour of the applicant. Notwithstanding this the quarters was allotted to Driver Shri N.Sahoo on the ground that some members of the staff had requested the Director to allot the quarters in favour of Shri Sahoo. To our mind this is not the sufficient justification for ignoring the recommendation of the House Allotment Committee. For considering the names of the staff members for allotment of quarters in the House Allotment Committee some members of

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the staff are also included and their recommendations should have been given due weightage. Their recommendations should not have been ignored on the specious logic on recommendation made by some staff members. It is well-known that where the number of quarters is less than the number of staff, there is always keen competition amongst the persons seeking allotment of quarters and therefore, it is not logical for one of them to approach some of the staff members and intercede on this behalf to the Director. This cannot be a ground to ignore the recommendation of the House Allotment Committee. Secondly the applicant has specifically averred in his petition that the Driver had not applied for allotment of any quarters. This averment has not been denied by the respondents in their counter. In view of this allotment of Type-I quarters in favour of Shri N.Sahoo, Driver has become inexplicable. In consideration of the above, we hold that the allotment of Type-I quarters in favour of Shri N.Sahoo, Driver cannot be sustained and such allotment is accordingly quashed. Respondents are directed to workout the recommendation of the House Allotment Committee in their meeting held on 17.8.1998 with regard to allotment of Type-I quarters within a period of 30(Thirty) days from the date of receipt of this order.

In the result, the O.A. is allowed, but without any order as to costs.

(G.NARASIMHAM)
MEMBER (JUDICIAL)

B.K.SAHOO//

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
24.4.2000