

Order dated 28.5.2004

The applicant, while working as Senior Accountant in the Office of Respondent No.2 was allotted Govt. quarters bearing No.Type-III/402 in New A.G.Colony on 20.4.1994. The said allotment was, however, cancelled by order dated 8.4.2003. Rule XVI(i) of the quarters allotment rules reads as follows :

" If an officer to whom a residence has been allotted unauthorisedly sublets the residence or charges licence fee from the sharer at a rate which the DAG(A) considers excessive or erects any unauthorised structure in any part of the residence or uses the residence or any portion thereof for any purposes, **other** than that for which it is meant, or tampers with the electric or water or sanitary connections or commits any other breach of the rules or the terms and conditions of the allotment or use of residence or premises or permits or suffers the residence or premises to be used for any purpose which the DAG(A) considers to be improper or conducts himself in a manner which in his opinion is prejudicial to the maintenance of harmonious relations with his neighbours"

The cancellation order does not specifically mention the exact reason ^{for} ~~on~~ which the cancellation was ordered.

Simultaneously the applicant was allotted another quarters bearing No. C/13 in A.G.Colony which was taken ~~on~~ possession ^{of}, by the applicant vide Annexure-A/6, While pointing out certain repair/replacement to be undertaken to make the house habitable. The applicant is challenging the authority of the Estate Officer to cancel the allotment of the quarters which he was occupying in new A.G.Colony.

The learned counsel for the Respondents pointed out that the step was taken by the Estate Officer in pursuance of a mass-representation made by more than 200 officials residing in the new A.G.Colony, against the applicant. In consideration of this, the Estate Officer felt that in the

aptness of things, in order to bring peace and harmony ~~that~~ in the colony ~~that~~ it would be good from all angles if the applicant is allotted another accommodation by cancelling the present one and there being no other option available before him to set the matter ^{at} rest for all times to come, he ordered accordingly, which is the subject matter of challenge in this O.A.

Having heard the learned counsel for the parties and having perused the relevant materials available on record, I am of the view that the order passed by the Estate Officer neither suffers from infirmity nor can be said to be inconsistent, because the action taken by him was only to remove the discontentment and disorderliness caused by the applicant for all times to come without ~~being unfair to the applicant.~~
 ~~meddling into the matter.~~

As regards the submission of the learned counsel for the applicant that rules of natural justice were not followed I would like to observe that the issue being a ^{sensitive} one, immediate action was called for and in any case no inherent right ~~there was no need to comply with the principles of natural~~ ~~was being jeopardized.~~ justice. ~~This apart~~ Had the applicant not been allotted another quarters in cancellation of the earlier one, then the matter would have been different. But in the instant case his allotment against a particular quarter has been cancelled and simultaneously he has been allotted another accommodation in an area/locality other than the former wherefrom ^{questioning} ~~questioning~~ his manner and behaviour, more than 200 officials had made a complaint against the applicant. This being the ~~facts and circumstances~~ of the case and having regard to the order issued by the Estate Officer

7

for the good of all
was ~~all for the best~~, ~~but~~ I ~~do not feel~~ ^{am not} inclined ^{to deem} ~~that~~
~~this is~~ ^{this as} a fit case where the Tribunal should interfere.

In the circumstances, the O.A. is rejected being devoid
of merit. No costs.

14-6-22

(H.P. DAS)
MEMBER (ADMINISTRATIVE)