

CORAM:

THE HON'BLE SHRI JUSTICE K.THANKAPPAN, JUDICIAL MEMBER
AND

THE HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER

ORDER DATED 15.12.2008

Applicant is an I.A.S. officer, who has retired from service under the State of Orissa with effect from 31.3.2008. After his retirement, he was directed to vacate the quarters which he was occupying. As his daughter was prosecuting her study for appearing at the examination and his wife was suffering from Hypothyroidism and Hypertension, besides Dysfunctional uterine bleeding, he applied for extension of occupation of quarters. The prayer of the applicant having not been acceded to, he filed this O.A. before this Tribunal. After hearing Shri K.C.Kanungo, learned counsel for the applicant, Shri A.K.Bose, learned Government Advocate for the State of Orissa and Shri U.B.Mohapatra, learned Sr.Standing Counsel appearing on behalf of the Union of India and in consideration of the averments made in the O.A., this Tribunal, while admitting the O.A. on 25.7.2008, ordered as under:

"...this Tribunal is of the view that since the applicant wants to continue occupation of the Govt. quarters to prosecute the study of his daughter and to protect the life and health of his wife, this Tribunal is inclined to allow the applicant to occupy the quarters for three months on payment of raised licence fee of five times of standard already fixed by the Government. If the applicant wants to occupy the quarters further, he can ventilate his grievance with the authorities if he supposes to do so.

With the above, this matter is admitted. Notice is ordered to the Respondents returnable within four weeks. Counter, if any, shall be filed within three weeks therefrom.

Stay is granted for eviction of quarters which is occupied by the applicant for three months.



To day this matter came up for further consideration. Counter has been already filed for and on behalf of the State of Orissa to which the applicant also has filed rejoinder.

The stand taken in the counter/reply statement is that since the applicant had been given more time to vacate the quarters, the claim to allow him further time to vacate the quarters is irregular and not in accordance with the rules, governing allotment of quarters by the State Government. It is also contended on behalf of the Respondent-State that even as per the latest judicial pronouncement by the Apex Court, the applicant is liable to be evicted from the quarters as other eligible officers, who are in service now, are in order for getting allotment of quarters. The learned counsel appearing for the Respondents also by bringing to the notice the order dated 25.7.2008 whereby this Tribunal had already granted three months' time to vacate the quarters submitted that as his wife is still under pre operational treatment, the applicant wants some more time i.e., three months from to-day. This apart, he had already filed a petition before the Hon'ble Chief Minister of the State as evidenced from Annexure-A/7 for the above purpose.

On consideration of the contentions raised before this Tribunal by either side and perusing the relevant rules regarding allotment of quarters by the State Government of Orissa, we are of the view that once an official/officer either has retired from service or has been transferred, he has no right to continue in the quarters without the permission of the authorities competent in that behalf. However, the applicant being a retired I.A.S. officer under the State Government of Orissa and keeping in view the plight which he now faces with regard to the pre operational treatment of his wife and prosecution of study of his daughter, we are of the view that further continuance of the applicant in the quarters for little more time can only be

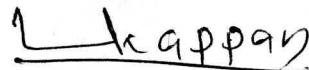


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considered by the competent authorities with due sympathy and in accordance with the provisions of the rules governing ~~on~~ the subject. In the above circumstances, we are of the view that since we had already granted three months time and it is by now more than five months have elapsed, it is only proper for the State Government to consider the petition dated 23.8.2008 of the applicant and pass appropriate order thereon, within a reasonable time, at any rate, within 30 days of the receipt of this order. It is also made clear that even though the petition dated 23.9.2008 is addressed to the Hon'ble Chief Minister of Oriss~~ya~~^{wa}, a copy of the same shall be considered by the Secretary of the concerned Department, competent for allotment of quarters and decision ^{be} taken as aforesaid. The applicant is also directed to furnish a copy of the letter 23.8.2008 addressed to the Hon'ble Chief Minister of Orissa to the Secretary of the State within 5 days from to-day for consideration. It is also made clear that unless and until a final decision is taken by the concerned Secretary, the applicant shall not be evicted from the quarters.

With the above observation and direction, this O.A. is disposed of. No costs.


ADMINISTRATIVE MEMBER


JUDICIAL MEMBER