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O.A. No. 122 of 2009

Order dated: 03.04.2009

CORAM:


Hon'ble Mr. Justice K. Thankappan, Member(J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

Challenging Annexure-A/5 and A/8 orders, by which the applicant, a retired employee, has been ordered to vacate the Govt. quarters, this O.A. has been filed.

2. The claim of the applicant is that he has retired from service as Inspector of Income Tax on 29.02.2008 and there was an advertisement given by the Department to deploy the retired employees in the posts of Stenos, Inspectors and P.As. as a stop-gap arrangement as per Annexure-A/1 and A/2. The applicant also filed an application for the above post in pursuance to the above notification. Since, his application is still pending before the authorities for redeployment, he submits that he should not have been directed to vacate the quarters. It is also prayed in this O.A. that this Tribunal may direct the Respondents to reconsider the application of the applicant for redeployment.

3. We have heard the Ld. Counsel for the parties and have perused the documents produced before this Tribunal.



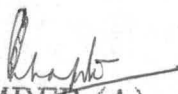
4. Admittedly, the applicant retired from service on 29.02.2008 and hitherto he is occupying the quarters even beyond the period available for a retired Govt. employee by paying double rent or the other statutory rent applicable to such retired employees. The question to be considered in this case is whether this Tribunal will be justified to interfere with such order issued by the Respondents or not. Admittedly, the applicant has no right to continue in the quarters after his retirement, especially when so many officers are ~~still~~ in queue for getting such quarters for their accommodation. In such case, the applicant, who has retired from service one-year back, cannot be allowed to continue in the quarters.

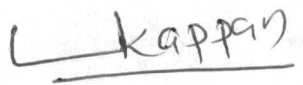
5. This Tribunal is also aware of the order passed by the Hon'ble Apex Court with regard to the eviction of quarters by the M.Ps. and other officers in Delhi as well as in Madras. Taking into account all these things, there is no ground to interfere in the matter. It is also noted that the applicant has been directed to pay more than Rs. 28,000/- as due from him towards damage rent.

6. In the above circumstances, it is only proper for the applicant to pay all the rent on his account to the office

and to vacate the quarters. As regards other submissions for consideration of his application, we feel that if the Respondents have invited such application, that is their look-out and not of this Tribunal to have any say in the above matter.

7. With the above observation and finding entered, this O.A. stands dismissed as meritless. No costs.


MEMBER (A)


MEMBER(J)

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