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O.A. No. 489 of 2009

Order dated: 20.10.2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)
Hon'ble Mr. C.R.Mohapatra, Member (A)

This O.A. has been filed by the applicant who has been awarded punishment of compulsory retirement from service in consequence of disciplinary proceedings. The grievance now projected before this Tribunal is that the applicant has already preferred an appeal against the order of punishment of compulsory retirement ordered by the Disciplinary Authority. However, the authorities, now, on the basis of the order of compulsory retirement passed against the applicant directed him either to vacate the quarters under his occupation or to pay enhanced fee/damage rent etc. Aggrieved by such order the applicant has approached this Tribunal in the present O.A.

2. We have heard Ms. M. Devi, Ld. Counsel for the applicant and Mr. U.B.Mohapatra, Ld. Sr. Standing Counsel appearing for the Respondents on notice and gone through the averments made in the O.A.

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3. Admittedly, the applicant has been imposed punishment of compulsory retirement from service on completion of a disciplinary proceeding initiated against him. If so, the propriety demands that he should vacate the quarters too. However, the reason that he has filed a statutory appeal before the Appellate Authority, the Joint Director, NCERT, namely, Respondent No.2, will not confer on the applicant any right to claim the continuation of the occupation of the Govt. quarters. Be that as it may, the authorities under the Quarters Allotment Rules, are empowered and competent to consider such a request for the reasons to be recorded in writing or as per the rules framed in that behalf.

4. In the above circumstances, we would direct the applicant to file representations for the purpose, as has been placed before us, with reasons to Administrative Officer (who has issued the eviction order) as well as to Joint Director (Appellate Authority) and if such representations are filed within 15 days from today, the 2nd Respondent in consultation with the Administrative Officer shall consider the same on merit and pass appropriate order thereon within another 15 days of the receipt of such representations. Till a

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final decision is taken as directed above, the applicant may be permitted to occupy the quarters with the present arrangement or fee as now ordered to be recovered. Ordered accordingly.

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

6. A copy of this order may be handed over to Shri U.B. Mohapatra, Ld. Sr. Standing Counsel appearing for the Respondents and also to the Ld. Counsel for the applicant for further action.

Member (A)

Member (J)

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