

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.Nos. 845 & 846 of 2013
Cuttack this the 30th day of July, 2014

CORAM:
HON'BLE SHRI R.C.MISRA, MEMBER(A)

IN O.A.NO.845/2013

Sri Kishore Kumar Digal
Aged about 55 years
S/o. late Maheswar Digal
At/PO-Beheragaon, PS-Tikabali
Dist-Kandhamal
Presently working as Poultry Attendant
O/o. Central Poultry Development Organization (ER)
NayapalliBhubaneswar,
Dist-Khurda-752 012

...Applicant

By the Advocate(s)-M/s.D.P.Dhalasamant
N.M.Rout

-VERSUS-

Union of India represented through

1. The Secretary
Ministry of Agriculture
Department of Animal Husbandry
Dairying and Fisheries
Krishi Bhawan
Room No.337,
New Delhi-110 001
2. Director,
Central Poultry Development Organization
(Eastern Region)
Nayapalli
Bhubaneswar
Dist-Khurda-751 012
3. Dr.Sonali Nanda
4. Dr.Manisha Das



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(Both 3 & 4) are working as Farm manager
 Central Poultry Development Organization (Eastern Region)
 Nayapalli
 Bhubaneswar
 Dist-Khurda-751 012

...Respondents
 By the Advocate(s)-Mr.P.R.J.Dash
 Mr.N.R.Routray (Res.Nos. 3 & 4)

IN O.A.NO.846/2013

Sri Bairagi Charan Barik
 Aged about 51 years
 S/o. late Late Lachhaban Barik
 At-Tarapi, PO-Soran, PS-Tangi, Dist-Khurda
 Presently working as Poultry Attendant
 O/o. Central Poultry Development Organization (ER)
 NayapalliBhubaneswar,
 Dist-Khurda-752 012

...Applicant
 By the Advocate(s)-M/s.D.P.Dhalasamant
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...Respondents
By the Advocate(s)-Mr.U.B.Mohapatra
Mr.N.R.Routray (Res.Nos. 3 & 4)

ORDER

R.C.MISRA, MEMBER(A):

The facts and the issue to be decided in O.A.No.845 and O.A.846 of 2013 being same and similar, these are disposed of by a common order, and in the order, reference only to the facts contained in O.A.No.845/2013 are being made.

2. The facts of O.A.No.845/2013 are very simple. The applicant is serving as Poultry Attendant in the Central Poultry Development Organization (ER) at Bhubaneswar, under the ^{Department of} Development of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture, Government of India. He has been allotted Type-I quarters in the CPDO (ER) Campus, Nayapalli, Bhubaneswar where he is residing at present. He is in the Pay Band of Rs.10,310/- with Grade Pay of Rs.2400, and he claims that he possesses entitlement for allotment of a Type-II quarters, for which he has made an application on 11.11.2013 to Respondent No.2, i.e., Director, CPDO (ER). Instead of considering the application on the basis of his eligibility, the Respondent No.2 allotted two available Type-II quarters for occupation of Respondents No. 3 and 4 who are serving as Farm Manager on the basis of consultancy. The applicant alleges that the Respondent No.2 by the act of allotting the Type-II quarters to two contract employees has ignored the entitlement of the applicant, who is a regular employee of the organization, in the matter of allotment of quarters. On the above ground, applicant prays for quashing the orders

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of allotment issued in favour of Respondent Nos. 3 and 4, and allotment of quarters of Type-II in his favour in accordance with his eligibility.

3. The Official Respondents have filed counter reply in which they have admitted that the applicant is entitled to allotment of Type-II quarters. However, there are only two such quarters which have been allotted to Respondents 3 & 4, who are Consultant Farm Managers, considering the nature of their services, and the need for their round the clock presence in the farm. They have been allotted Type-II quarters till the end of their period of engagement, i.e., till April, 2014. Therefore, the request of the applicant cannot be accepted at present.

4. I have heard the learned counsel for the applicant, the official Respondents, as well as for the Private Respondent Nos. 3 and 4 who are Consultant Farm Managers and in whose favour Type-II quarters have been allotted. The Officer Order dated 29.11.2013 mentions that the Type-II quarters are allotted to Respondent Nos. 3 and 4, who have joined on contract basis w.e.f. 1.11.2013 against the post of Farm Manager for a period of 6 months, and that those quarters should be vacated on 1st May, 2014 "positively". The learned Addl. CGSC, on the direction of the Tribunal has obtained information that these quarters are still in the occupation of Private Respondents - 3 and 4 in view of the fact that their contract period has been extended for a further period of six months. But no formal order extending the allotment in their favour has been issued.



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5. The terms and conditions of the contract for engagement of the Consultant Farm Managers are not the subject matter of adjudication in the Tribunal, and therefore, I desist from discussing the same. The only point which needs to be taken into account is the pleading of the official Respondents that there is an administrative requirement of allotting them official quarters in the campus.

6. The Respondents have admitted that the applicant is eligible for allotment of Type-II quarters, and on that point there is no contest. The applicant is a regular employee, and his entitlement cannot be ignored. The administrative requirements of the Respondent-Organization are also important parameter, for consideration. However, it is found that official _____

Respondents have allotted Type-II quarters to the Respondent Nos. 3 and 4 only till 30th April, 2014 and have specifically mentioned in the order that the "quarters should be vacated on 1st May, 2014 positively". This part of the order must be respected. In the meantime, the contract period has been extended by a period of six months as per submission made by the learned counsel for the Official Respondents. However, no formal order has been issued extending the period of allotment of quarters. It will, therefore, be construed that the Respondent Nos. 3 and 3 are as of now ~~are~~ in unauthorized occupation of the quarters.

7. The Tribunal would like to see that the legitimate claim of a regular employee of the organization should be fulfilled as per the extant instructions, and a decision taken by authorities should not be

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allowed to give rise to grievances of employees. Therefore, the Respondents will have to make alternative arrangements to meet their administrative needs and also the residential requirements of Respondent Nos. 3 and 4. In the result, I would direct that the order of authorities dated 29.11.2013 in so far as vacation of the quarters is concerned be carried out, and allotment of Type-II quarters as per eligibility be also made in favour of the applicant as quickly as possible.

Ordered accordingly.

8. In the result, both the Original Applications are allowed to the extent indicated above, with no order as to costs.


(R.C.MISRA)
MEMBER(A)

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