

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 1117 of 1996

Present : Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman

Hon'ble Mr. M.S. Mukherjee, Administrative Member

Bandhu Nayak, s/o Sri Sambari Nayak, aged about 35 years, working as Sweeper (Ticket No. 100/P.No. 004347) at E & Y Section of Ordnance Factory, Dum Dum, Cal - 700 028 and residing at D/7/15, Magazine Quarters, Dum Dum, Calcutta-700 028.

..... Applicant

-Vs-

1. Union of India, service through the Secretary, Deptt. of Defence Production, Ministry of Defence, South Block, New Delhi-110001 ;
2. The General Manager, Ordnance Factory, Dum Dum, Calcutta - 700 028 ;
3. The Deputy General Manager (Administration), Ordnance Factory, Dum Dum, Calcutta - 700 028 ;
4. Gopal Nayak, working for gain as Sweeper (T.No. 115/E&Y) at E & Y Section, Ordnance Factory, Dum Dum, Calcutta-28 ;
5. Narendra Nayak, working for gain as Sweeper (T.No. 88/E&Y) at E & Y Section, Ordnance Factory, Dum Dum, Calcutta-700 028 ;
6. Md. Tahir, working for gain as Labour B (T.No. 35(E&Y) at E & Y Section, Ordnance Factory, Dum Dum, Calcutta-28 ;
7. Uttam Singh, working for gain as Labour B (T.No. 42(E&Y) at E & Y Section, Ordnance Factory, Dum Dum, Calcutta-700 028.

..... Respondents

For applicant : Mr. G. Srivastava, counsel

For respondents : Mr. S. K. Dutta, counsel

Heard on : 2.7.1997

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Order on : 29.7.1997.

O R D E R

A.K. Chatterjee, VC

The petitioner, an employee of Ordnance Factory, Dum Dum being entitled to RA Type quarter made an application for allotment of a quarter at Dum Dum Estate of RA Type/Type-I, whichever was available. Subsequently, a list was published according to seniority

for allotment of Type-I quarter, wherein the name of the petitioner appeared against Srl.No.49. He contends that on the basis of his salary, he is entitled to RA Type quarter for which he duly made an application but denied, although some other employees junior to him have been enlisted for allotment of such quarter. He has, therefore, filed the instant application for a direction upon the respondents to allot ^{to} him a RA Type quarter at Dum Dum Estate forthwith.

2. The respondents in their reply contend that the petitioner in his application for allotment of quarter indicated his preference of choice of quarter in favour of Type-I and RA, in the order stated, and accordingly the seniority list for allotment of Type-I quarter was issued with the petitioner at the appropriate serial. Regarding the juniors, who were allotted RA Type quarter, it has been stated that they had applied for allotment of this type of quarter and accordingly they figured in the seniority list of allotment of RA Type Quarter.


3. We have heard the Jd.Counsel for the parties and perused the records as well as the application for allotment of quarter made by different employee produced by the respondents. It is found that the juniors, who were allotted RA Type quarter had applied for quarter indicating their preference only for this type and thus, as they were not interested in Type-I quarter, the authorities committed no irregularity in enlisting their names for allotment of this type of quarter. Only in case of one of the juniors Md. Tahir, it is found that his name was enlisted in the seniority list for both RA Type and Type-I quarter and it further appears that he made separate applications for each of these two types. On the other hand, in the composite application made by the petitioner, he indicated his preference for Type-I and then RA and therefore, the


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authorities cannot be said to be in error in accepting his first preference for Type-I quarter and enlisting his name accordingly. The petitioner has contended in the application that he got the application for allotment ^{written} by an Assistant in his office. He, however, did not even state that he appended his signature, which was in English, without understanding the contents. Therefore, the fact that the form was filled up by an Assistant of the office hardly comes to the aid of the petitioner.

4. We might have considered allowing the petitioner to indicate his choice of quarter once again and stand in the queue for RA Type quarter but it has been pointed out that change of quarter is not permitted more than once and that he had already shifted to ~~another~~ quarter in 1990. Thus, even the allotment of Type-I quarter was made by ~~bending~~ the rules and as a matter of ^{compensation} ~~compensation~~. In such circumstances, no further opportunity to revise his preference or to make a fresh application need be given.

5. The application is, therefore, rejected. No order is made as to costs.


(M.S. Mukherjee)
Member (A)
29/7/1992


(A.K. Chatterjee)
Vice-Chairman
28/8/92