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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of Decision : 10.12.2001

O.A No. 76/1999.

Jograaj S/o Shri Teluram R/o Quarter No.4, P & T Colony, Shastri Nagar Jodhpur, working post man at Post office residency Road, Jodhpur.

... APPLICANT.

v e r s u s

1. Union of India through Secretary Ministry of Communication, Department of Post, Govt. Of India, Dak Bhawan, New Delhi.
2. Post Master General, Rajasthan (West), G.P.O. Shastri Nagar, Jodhpur.
3. Senior Superintendent of Post Office, Railway Station Road H.P.O. Jodhpur.
4. Mr. Manu Vyas working as P.M.G. (West) Rajasthan, Jodhpur.

... RESPONDENTS.

Mr. K. S. Chouhan counsel for the applicant.
Mr. M.A. Siddiqui, Adv. brief holder for
Mr. N.M. Lodha counsel for the respondents.

CORAM

Hon'ble Mr. Justice O.P. Garg, Vice Chairman.
Hon'ble Mr. Gopal Singh, Administrative Member.

: O R D E R :
(per Hon'ble Mr. Justice O.P. Garg)

The applicant who is a Postman, on his posting was permitted to share Quarter No. C-4, Type-I, Shastri Nagar, P & T Colony, Jodhpur, with one Shri Chagan Lal, Postman, in the month of December, 1997. Shri Chagan Lal stood superannuated on 31.10.1998, thereafter the quarter in question was allotted exclusively in the name of the applicant on 24.11.1998. Subsequently by the impugned order dated



16.03.1999 (Annexure A-1), to the application, the order of allotment dated 24.11.1998 was cancelled primarily on the ground that the applicant was not entitled to retain Type-I category quarter as he was entitled for allotment of Type-II category quarter. The applicant has challenged the impugned order of cancellation of allotment by means of this application under Section 19 of the Administrative Tribunals Act, 1985.

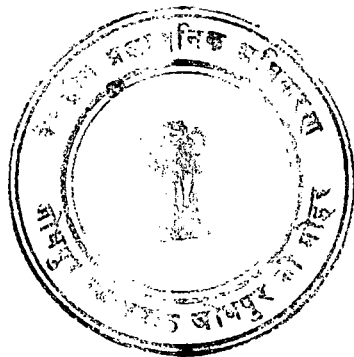
2. A reply has been filed. We have heard Sh. K.S. Chouhan, learned counsel for the applicant and Mr. M.A. Siddiqui holding brief for Mr. N.M. Lodha learned counsel for the contesting respondents.



3. It is an admitted fact that Type-I category quarter is of a lower category than Type-II category quarters. It is common case of the parties that the applicant has been allotted a quarter, which is inferior in category to the quarter, he is entitled to. The department has cancelled the allotment order in favour of the applicant on the ground that, in view of the pay scale which the applicant is carrying, he is entitled to a quarter of higher category, i.e. Type-II and therefore, he should vacate the quarter of inferior category i.e. Type-I. Learned counsel for the applicant pointed out that the applicant is prepared to continue in the inferior category of quarter even though he is entitled to a superior category of accommodation. In support of his

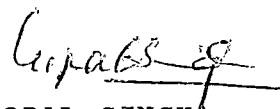
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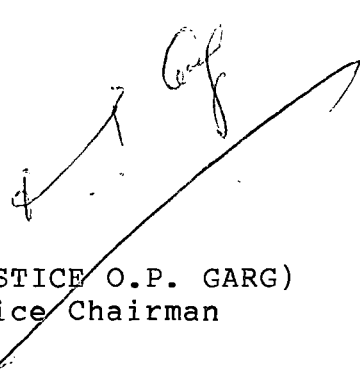
contention, he placed reliance on Paragraph 13 of Allocation of Allotment of Quarters contained in Letter No. 2/20/66-NB dated 25.06.1996 from the D.G., P & T, New Delhi. We find that the order of the allotment has been cancelled on insufficient grounds without applying the mind to the fact of the case. The applicant is entitled to continue in Type-I category quarter which is in his occupation since December, 1997. The department has not been able to indicate any compelling circumstances or reasons due to which the order of allotment was cancelled.



4. In the result, the OA succeeds and is allowed inasmuch as the impugned order of cancellation of allotment dated 16.03.1999 (Annexure A-1), is hereby quashed and it is directed that the occupation of the applicant in Quarter No. C-4, Type-I, Shastri Nagar, P & T Colony, Jodhpur shall not be disturbed so long as he continues to remain posted in the department at Jodhpur.

5. The OA is allowed.


(GOPAL SINGH)
Adm. Member


(JUSTICE O.P. GARG)
Vice Chairman

Joshi

John
Wade-Ad
28/12/01
Sutcliffe
28/12/02

Part II and III destroyed
in my presence on 28.5.07
under the supervision of
section officer () as per
order dated 13.12.02

VGSM
Section officer (Records)