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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

O. A. No. 198, 199 and 200 of 2007
Jodhpur, this the 14th Day of May, 2010

CORAM :
Hon'ble Dr. K.B.Suresh, Member (Judicial)
Hon'ble Mr. V.K.Kapoor, Member (Administrative)

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Surendra Pal, Mate in the Office of the Garrison Engineer, Sriganganagar, R/o Sriganganagar.

Applicant in OA No. 198/2007

Harcharan Singh, CMD in the office of Garrison Engineer, Sriganganagar, R/o Sriganganagar.

Applicant in OA No. 199/2007

Vijay Kumar, Refrigerator Mechanic in the office of Garrison Engineer, Sriganganagar, R/o Sriganganagar.

Applicant in OA No. 200/2007

[By Advocate : Mr. Vijay Mehta, for applicants]

-Versus-

1- The Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2- Adm. Commandant, Station Headquarters, Sadhuwali Cantt. District Sriganganagar.

3- Commander Works Engineer, MES, Army, Sriganganagar.

4- Garrison Engineer, MES, Army, Sriganganagar.

Respondents in the OAs

(By Advocate :Mr. Kuldeep Mathur for respondents]

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ORDER
[PER DR. K.B.SURESH]

The Civilian Defence employees agitating on allotment of residences (Defence Pool Accommodation for Civilian in Defence Services Rules, 1978), is the issue.

2- Apparently, all these cases are similar in their nature and therefore, they are being disposed of by this common order. They were asked to move from one residential colony and it now transpires that these are the actuating reasons :

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(a) They pose a threat to national security by staying in proximity to Army Personnel.

(b) They had been staying for more than three years.

(c) Unless the applicants move out, special repairs cannot be conducted and it is more convenient to the applicants.

3- Relating to the first aspect, to quote from reply "firstly, on the ground of security reasons with a view to avoid and restrict interaction between military and civilian personnel which is likely to cause breach of security information regarding personal information like man power, movement of troops/units and equipments". It would appear that the respondents are blissfully ignorant of new technological advances. Satellite cameras have made obsolete these kinds of precautions even a decade back. Now even on Aircraft photography is permitted. Besides Army men and civilian employees have to work in close concert in public areas. In fact, in such organizations like Border Roads Organisations' work is exactly in similar situation of any advance guard of any armed unit. The Borders of the Nation are guarded by the Border Security Force, which is a police force and not Army.

Patriotism is hardly the monopoly of anybody.

4- As a derivative issue, let us consider the effect of residential proximity of Army men and Civilian Defence employees. Both these groups have to convincingly interact in their official duties for the military machinery to go forward and when they are unable to functionally harmonize, essentially, national security will be jeoparadised. So what is wrong if they are neighbours? We can only expect surprise at the expressions of the respondent.

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5- What are the special repairs which are needed? No information is forth-coming. The applicants deny this specifically but, the respondents keep a meaningful silence. Therefore, we have to hold that this must be only in their imagination.

6- What is the significance of living at the same place for more than three years? Is it a universally applicable principle ? The applicants points-out the names of several similarly situated who had stayed for about 15 years. What does rules say ? It does not make any such stipulation. Even the issuance of Annex. R/2 do not contain any such prohibition.

7- Our attention is drawn to page No. 37 in OA 198/2007. It seems to be an internal communication issued by one Colonel Satish Chander, who appears to be Adm. Comdt. He had apparently set apart a sum of Rs. 75,000/- to be expended for this litigation. On enquiry, we found this to be far in excess of normal expenditure. Perhaps the burden of command sits very heavily on his shoulders. But, this exaggeration is characteristic of the three grounds of defence as well. He appears to be the 2nd respondent.

But, reading between the lines, it appears to us that this appears to be reflective of friction between uniformed Commanders and Civilian defence personnel with a widely different mental make-up. Army Commanders must be leaders of men, not by imposed discipline enforced brutally but, by leading by example and harmonious motivation. The failure to do so, will be detrimental to national efficacy so far as Army is concerned. We have no doubt that military will evolutionwise newer management techniques so as to encompass harmony between the uniformed and the non-uniformed.

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8- The old style infantry strategies and geographically limited warfare is a thing of the post. Both the uniformed and the non-uniformed have a significant role to play in any present day battle situations.

9- We have concluded that the reasons allegedly behind the impugned orders are illusory and imaginary. We thus issue the following order :

(i) The Orders at Annex. A/1 and Annex. A/2 are hereby quashed.

(ii) The applicants can continue to use the originally allotted quarters until they have to legitimately and in consonance with the rules, to move out.

(iii) There is no question of any damage rent or allied charges.

10- The O.As. are allowed as above. No order as to costs.

(V.K.Kapoor)AM **(Dr.K.B.Suresh)JM**

दिनांक 7/11/16 के आदेशानुसार
मेरी उपस्थिति में दिनांक 8/11/16
को भाग-II व III नष्ट किए गए ।

अनुभाग अधिकारी
केन्द्रीय प्रशासनिक अधिकरण
जोधपुर न्यायपीठ, जोधपुर