

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.427/97

Friday this, the 11th day of April, 1997.

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE SHRI P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

M.P.Attakoya,
Police Constable, P.C.195,
Air Port Security,
Agatti Air Port,
Union Territory of Lakshadweep.

.. Applicant

(By Advocate Mr.Shafik M.A.)

vs.

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
2. The Chairman,
Local Accommodation -Board,
Agatti Island,
Union Territory of Lakshadweep.
3. The Chairman,
Central Accommodation Board,
Kavaratti,
Union Territory of Lakshadweep.
4. P.P. Abdul Rahman,
Junior Engineer,
Lakshadweep Public Works Department,
Agatti Island,
Union Territory of Lakshadweep.
5. A.K.Syed Shaik Koya,
Lineman(Electrical),
Agatti Island,
Union Territory of Lakshadweep.

..Respondents

(By Advocate Mr.Rajesh Sagar for Mr.S.Radhakrishnan, ACGSC) _
(R1-3)

The Application having been heard on 11.4.97, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The grievance of the applicant is that while he is the seniormost among the eligible candidates for allotment of

..2



quarters, respondents 1 to 3 have unjustifiably allotted Type II Quarters to Respondents 4 and 5 who are in the matter of eligibility for allotment of quarter junior to him considering the length of the service. Therefore, the applicant has filed this application praying that the records relating to A-1 and A2 may be called for and these orders be quashed and that it may be declared that the applicant is eligible and entitled to be allotted a Type II quarter in preference to the respondents 4 and 5 and to direct the respondents to immediately allot a Type II quarter allotted to respondents 4 and 5. There is a prayer for award of costs of this application.

2. The Central Government Standing Counsel appearing for the respondents 1 to 3 states that though clarification was sought by him from the respondents as to why the impugned order A-1 and A2 have been passed allotting quarters to respondents 4 and 5 overlooking the preferential claim of the applicant, the respondents 1 to 3 informed him that though the second respondent was asked as early as on 4.3.97 to look into the matter of allotment of quarter to the applicant and do the needful a quarter of the Type II was allotted to the applicant only on 2.4.97. No specific reply to the query as to why the impugned orders A1 and A2 were issued overlooking the claim of the applicant has been received by the counsel. The attitude of the respondents especially the second respondent in this matter is highly reprehensible. Officials vested with authority are expected to exercise the same judicially and in accordance with the rules and instructions in that behalf. If the rules and instructions had been properly adhered to,

we find no reason why a proper clarification is not forthcoming from respondents 1 to 3 in regard to the alleged discrimination meted out to the applicant. However, since the applicant has now been allotted a quarter of Type II which he is entitled, we find no necessity to proceed with this application further. Therefore, the application is closed expressing our displeasure in the manner in which respondents conducted themselves in this case.

3. A copy of this order will be forwarded to the Administrator immediately.

4. Application is disposed of as aforesaid. No costs.

Dated the 11th April, 1997.



P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

njj/11.4.

LIST OF ANNEXURES

Annexure A-1: True copy of order
F.No.LAB/AGT/17/96-97
dated 13.11.96 issued on
behalf of 2nd respondent
to the 4th respondent.

Annexure A-2: True copy of the order
F.No.LAB/AGT/12/96-97
dated 13.11.96 issued on
behalf of 2nd respondent
to the 5th respondent.

....