

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.498/05

MONDAY, THIS THE 25TH DAY OF JULY, 2005

C O R A M

**HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN
HON'BLE Mr. K.V. SACHIDANANDAN, JUDICIAL MEMBER**

Vijaya Kumar Pillai
S/o Krishna Pillai
Recovery Officer, Debt Recovery Tribunal
(Kerala & Lakshadweep)
Ernakulam residing at
Quarter No. IV/3, Site No.1
Regional Passport Office Residential Complex
Panampilly Nagar, Ernakulam.

Applicant

By Advocate Mr. C.B. Sreekumar

Vs.

1. Union of India represented by its
Secretary to Government of India
Ministry of External Affairs, New Delhi.

2. The Regional Passport Officer
Regional Passport Office,
Panampilly Nagar, Kochi.

Respondents

By Advocate Mr. TPM Ibrahim Khan, SCGSC

ORDER

HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN

The applicant is a Recovery Officer in the Debt Recovery Tribunal (Kerala and Lakshadweep) Ernakulam. The Tribunal does not have staff quarters for its employees and considering the nature of duties required to be discharged by the Recovery Officer and the problem of non-availability of suitable accommodation, a request was made by the Presiding Officer of the Tribunal to the Assistant Project Officer, CPO, Headquarters, CPB Division, Ministry of External Affairs, New Delhi to allot a Type-IV or Type-III accommodation under the control of the Regional Passport Office, Ernakulam

since there were staff quarters lying unoccupied and unallotted. In pursuance of the above request one Type -IV Quarter No. IV/3, Site-1 at Panampilly Nagar, Kochi was allotted to the applicant vide letter dated 15.10.2003((A-4). The applicant took possession of the accommodation in October, 2003. Now vide letter dated 31.5.2005 issued by the Regional Passport Officer (Annexure A-6) he has been required to surrender the said quarters at the earliest but not later than one month for the occupation by one of their officers transferred from Passport Office, Bangalore. It is submitted that the applicant has been making sincere efforts to find out a suitable accommodation. Meanwhile a representation for extension of time to vacate the residential accommodation was sent to the Regional Passport Office, Kochi through proper channel on 17.6.2005. But the second respondent has not considered the representation of the applicant and therefore he approached this Tribunal for a direction to the respondents to allow him to continue in the said quarters. It is also pointed out in the application that Quarter No.IV/1 situated in the first floor of the building is more appropriate for the transferred official who has come to the station on the ground of ill-health.

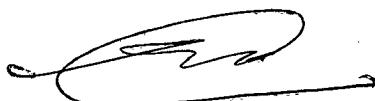
2. Status quo order was given by this Tribunal on preliminary hearing and directing the respondents to seek instructions from the Department.
3. A reply statement has been filed by the respondents in which they have pointed out that the quarter was allotted to the applicant on the condition that in case of the requirement of the Passport Office for its own staff the quarters shall be vacated forthwith. Annexure R-1 and R-2 orders have been enclosed. The applicant has been allowed to stay uninterruptedly for the last two years, only on receipt of the application from a member of the staff of the Regional Passport Office on 30.5.2005 on the request made by Smt. K. Prasannakumari, Superintendent who has been transferred from RPO, Bangalore to Cochin on 3.5.2004, the applicant has been asked to vacate the quarter. The employee

1
62

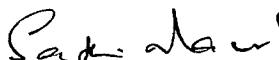
belongs to SC community and she requires the quarter on medical grounds. The applicant was given one month's notice for vacating the same. The Regional Passport Office accommodation is exclusively meant for its own staff and the contention of the applicant that Type-IV quarter in the first floor is more suitable to the staff member, etc. have no relevance to the issue and are meant only for delaying the process. The applicant was aware of the conditions of allotment and should have searched for a suitable accommodation. The reliefs sought by the applicant are therefore not tenable, the O.A. May be dismissed.

4. When the matter came up for hearing, the learned counsel for the applicant submitted that his efforts for finding an alternative accommodation has not succeeded and therefore he should be allowed to continue. We are unable to accept this contention of the applicant at this stage as he has been given sufficient time to locate a suitable accommodation. The applicant has no legal right to continue in the present accommodation which is meant for the staff of the Regional Passport Office, Kochi. Just because he was shown consideration two years back when there was no request from the staff side, it cannot be converted into a legal right. Moreover, he had agreed to the condition at the time of allotment itself that he would be liable for vacating the accommodation forthwith in the event of a request from staff of the Regional Passport Office. We therefore do not find any merit in the prayer of the applicant. The O.A. Is dismissed accordingly and the applicant is directed to vacate and surrender the said quarters within a period of fifteen days from today.

Dated 25.7.2005.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN

kmn