

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.53/94

Tuesday, this the 12th day of April, 1994.

**SHRI S KASIPANDIAN(A)**

VJ Pillai,  
Pump House Operator,  
O/o the AGE B/R(M),  
Military Engineering Service,  
NAD Post, Alwaye.

- Applicant

By Advocate Mr M Girijavallabhan

Vs.

1. The Chief Engineer(Navy Works),  
Kataribagh, Naval Base P.O.  
Cochin-682 004.
  2. The Garrison Engineer,  
Naval Base Post, Kataribagh,  
Cochin-682 004.
  3. The General Manager,  
NAD Post, NAD Alwaye.
  4. The Assistant Garrison Engineer B/R(M)  
NAD Post, NAD Alwaye.
  5. N Mohanan Nair,  
MT Driver, O/o the AGE B/R(M),  
NAD Post, Alwaye.
- Respondents

By Advocate Mr C Kochunni Nair, SCGSC

O R D E R

The applicant was working as Pump House Operator in Alwaye and he was allotted to Type-I Government quarters. The applicant was entitled to a Type-II quarter but as it was not readily available, he accepted the allotment of Type-I quarter. Subsequently when a Type-II quarter was allotted to him, he did not choose to occupy the same. The learned counsel for the applicant argued that when his request was pending, the 5th respondent was allotted Type-III quarter.

2. The learned counsel for the respondents submitted that the applicant is not entitled to Type-III quarter and the 5th respondent has been allotted Type-III quarter despite his ineligibility only on a temporary basis. As and when an eligible officer asked for Type-III quarter, 5th respondent may have to vacate it.

3. The applicant has since been transferred to Trivandrum on compassionate grounds. Because of this transfer, the O.A. has become infructuous. The applicant's request for repayment of the licence fee on the rent paid by him for the Type-I quarter cannot be considered in the absence of any specific rule providing for the same. For the reasons above stated, the application is dismissed as devoid of any merit. There is no order as to costs.

Dated, the 12th day of April, 1994.

*S. Kasip*  
12.4.94  
(S KASIPANDIAN)  
MEMBER(A)

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