

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO.520/2000.

Monday this the 22nd day of May 2000.

CORAM:

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

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

T.O. Padmakshan,
Air Customs Officer,
Anna International Airport, Chennai.
(By Advocate Shri V. Rajendran)
Vs.

Applicant

1. Commissioner of Customs,
Cochin.
2. Union of India represented by
the Secretary, Ministry of
Finance, Department of
Revenue, New Delhi.

Respondents

(By Advocate Shri S. Krishnamoorthy, ACGSC)

(The application having been heard on 22nd May 2000

the Tribunal on the same day delivered the following:

O R D E R

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

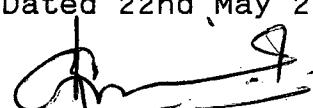
The applicant while working as Preventive Officer in the Cochin Customs House, was sent on deputation for a period of two years as Air Customs Officer in Chennai Anna International Airport. He was relieved on 24.3.99 and he joined at Chennai. He sought permission to retain the official quarters allotted to him at Kochi. The request was not acceded to. However, by Annexure A3 order he was directed to vacate the quarter on 28.2.2000 and to pay penal rent as per rule from 24.5.99. He made a further representation pointing out that others similarly situated were earlier allowed to retain the quarters. The representation was also rejected by Annexure A5 order. Hence, the applicant has filed this application seeking to have Annexure A3 and A5 set aside and for a direction to the

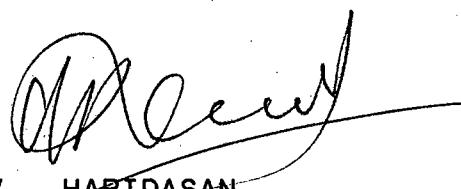
respondents to allow the applicant to retain the quarter during the period of deputation and for a declaration that he is entitled to retain the quarter in Kochi during the period.

2. On a careful perusal of the O.A. and the Annexures appended thereto and on hearing the learned counsel on either side we do not find any legitimate cause of action of the applicant which calls for admission of this application. The learned counsel of the applicant could not show any rule or instruction which provides that an official sent on deputation has a right to retain the quarter occupied by him prior to deputation. On the other hand if such permission is granted for long period like two years, those who stand posted in the place from where the official was sent on deputation would suffer for want of accommodation. That earlier some officers sent on deputation were allowed to retain their quarters does not clothe the applicant with any right. It was only after the applicant's willingness was obtained that he was sent on deputation. In fact, as stated by the counsel on either side, it was after the applicant filed an original application in that behalf that the applicant was sent on deputation. There was no understanding that the applicant would be permitted to retain the quarters during the period of deputation. Therefore, the applicant could not have a legitimate expectation that he would be allowed to retain the quarters.

In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated 22nd May 2000.


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

List of Annexures referred to in the order:

**Annexure A-3: A true copy of the Memo dated 28.1.2000 of the
Ist respondent.**

**Annexure A-5: A true copy of the Memo dated 10.5.2000 served
on the applicant at Chennai on 16.5.2000.**