

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 572 of 1993.

DATE OF DECISION 7.5.1993

A.M.Fathima Manica Applicant (s)

Mr. M. V. Thamban Advocate for the Applicant (s)

Versus

The Administrator, U.T. of Respondent (s)
Lakshadweep, Kavarathy and others

Mr. NN Sugunapalan (R.1to3) Advocate for the Respondent (s)
Mr. MA Shefik (for R.4)

CORAM :

The Hon'ble Mr. S.P.Mukerji, Vice Chairman
and

The Hon'ble Mr. A.V.Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. To be circulated to all Benches of the Tribunal? *no*

JUDGEMENT

(Hon'ble Mr. S.P.Mukerji, Vice Chairman)

In this application the applicant who is a lady Junior Engineer living only with her three year old daughter, her husband being away abroad as Seaman, has claimed that in her circumstances, the quarter B2 which was being shared by her along with a regular allottee be allotted to her. It appears that the Respondent No.4 to whom the Quarter B2 had been allotted has got the applicant ejected from that quarter and the applicant with her child is now living in a private accommodation. It ^{has} ^{been} also revealed during the course of the arguments in this case that the applicant was allotted a Type II Quarter in Ward X which being in a secluded locality ^{could} ^{not} suit ^{to} the applicant's requirements and that this quarter has also been reallocated to some other person.


2. This application was admitted on 30.3.93 and notices were issued to all the respondents to file reply affidavit and the case was listed for hearing on 26.4.93. No interim order was granted on 30.3.93 on the expectation that the application will be finally heard on 26.4.93. Two further adjournments were given and on 27.4.93 the learned counsel - for the applicant submitted that if the respondents can agree to allot the applicant any Type II Quarter falling vacant next anywhere in Wards I to IX, the applicant will be satisfied and the application can be disposed of with such a direction. An adjournment was given to the respondents to ascertain the possibility of accommodating the applicant. The case was listed again on 4.5.93 and today when the case was taken up it was found that the respondents are not in a position to accept the proposal made by the learned counsel for the applicant.

3. In the above circumstances, we have heard the learned counsel for all the parties and keeping the facts of the case and the condition of the applicant in view, proceed to dispose of the application finally. It is admitted that the applicant was allotted a Type II quarter but she could not accept the allotment because of her circumstances. The eligibility of the applicant for getting allotment of a Type II quarter ^{that} is ^{thus} beyond any doubt. The only question/remains to be decided is whether the applicant could be allotted the next available Type II Quarter falling in any of the wards from I to IX. The learned counsel for the applicant has already stated that the applicant is prepared to accept any Type II Quarter within those wards.

4. It is the ^{declared} ~~protest~~ policy of the Government to facilitate the service conditions of women employees as far as possible. The applicant before us is a woman employee without her husband being with her but with the additional burden of ~~yearing~~ ^{rearing} a three year old child. The proposal made by the learned counsel for the applicant is reasonable and cannot be faulted.

5. In the above circumstances, we allow this application only to the extent of directing the respondents 1 & 2 to allot the next available Type II quarter falling vacant anywhere in Wards I to IX to the applicant. There is no order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


7.5.93
(S.P. MUKERJI)
VICE CHAIRMAN

7.5.93

ks.