

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATE: 15.10.93

O.A. 591/93

Sri M. Balagopalan  
Supdt. B/R Gde I  
CWE(P), Naval Wharf, Cochin-4

Applicant

vs.

1. Union of India represented by  
the Secretary, Ministry of Defence  
New Delhi

2. CWE, Cochin, Kataribagh  
Naval Base, Cochin-4

3. CWE(P)NW, Naval Base, Cochin-4

Respondents

Mr. R. Krishnan Nair

Counsel for the  
applicant

Mr. T.K. Venugopalan, ACGSC

Counsel for the  
respondents

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THE HON'BLE MR. N. DHARMADAN JUDICIAL MEMBER

JUDGMENT

MR. N. DHARMADAN JUDICIAL MEMBER

The applicant is a Supdt. B/R Grade-I working in the Project under the second respondent. According to him, he is eligible for allotment of a quarters in the newly constructed 'Constructional Staff Quarters which became functional in the year 1992. Since the allotment was made to others overlooking his better claim, he has filed this application under section 19 of the Administrative Tribunals' Act with the following reliefs:

" to direct the Respondents to allot one quarters to the applicant in Newly Constructed Constructional Staff Quarters."

2. During the course of the argument, <sup>this offer of the Respondents</sup> it was brought to my notice, the statement in para 6 of the additional reply filed by the respondents which reads as follows:


"If the applicant is willing to go for accommodation at Fort Cochin, his application can be considered for allotment at the time of vacancy provided there are no other person who has a better claim than the applicant in accordance with Annexure R-1 and R-2 orders."

3. The learned counsel for the applicant submitted that his client is willing to occupy a quarters at Fort Cochin provided the allotment is made without any condition as stated in para 6 of the addl. reply as extracted above. He further submitted that there is likelihood of arising vacancy of quarters at Fort Cochin on account of transfers and postings.

4. Having regard to the facts and circumstances of the case, I am satisfied that the original application can be disposed of with appropriate direction considering the statement made by the respondents in the reply. Hence, I direct the respondents 2 and 3 to allot the applicant the next available quarters at Fort Cochin in view of the claim made by the applicant, satisfying his requirements as stated above.

5. The application is disposed of with the above direction.

6. There shall be no order as to costs.

  
15.10.93

(N. DHARMADAN)  
Judicial Member  
15.10.93

kmm