

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.118/2001

Wednesday this the 31st day of January, 2001.

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T.NAYAR, MEMBER (A)

P.M.Edwin,
Transmission Executive,
All India Radio,
Trichur.Applicant

(By Advocate Shri Sivan Madathil)

vs.

1. Prasar Bharathi (Broadcasting Corporation of India),
All India Radio, Trichur, Kerala State,
Rep. by Station Director.
2. Director General(Vigilance),
Prasar Bharathi(Broadcasting Corporation of India),
All India Radio, New Delhi.
3. Sri V.Uyayakumar,
Transmission Executive, All India Radio,
Trichur.
4. Union of India,
rep. by Secretary, Ministry of Information &
Broadcasting, New Delhi.Respondents

(By Advocate Sri R.Madanan Pillai(rep.))

The Application having been heard on 31.1.2001, the Tribunal
on the same day delivered the following:-

O R D E R

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

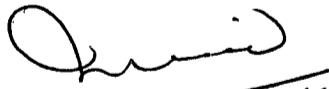
The applicant, who going by his own averment, is entitled only to allotment of Type-C quarter in the normal course and has already been allotted a Type-C quarter by order dated 28.7.99, has filed this application challenging the memo dated 23.11.2000(A-8) by which the Station Director had notified that there are two Type-D quarters available for allotment to persons who are entitled for allotment of Type-C

quarter and are willing to pay three times the normal licence fee and to vacate the quarter as and when eligible persons apply and the order dated 21.12.2000(A-11) by which one Type-D quarter has been allotted to Shri V Udayakumar, the 3rd respondent who is normally entitled for an allotment of Type-C quarter. It is alleged in the application that there has been lot of malpractices and irregularities in the allotment and occupation of quarters, that persons who are not entitled to occupy the Government quarter as also binamis are occupying quarters, that the applicant made a representation A-1 calling upon the Administration to have a vigilance probe into the matter, that thereafter the allotment of Type-D quarter in favour of Shri Balakrishnan, Smt Shylaja Devi and Shri Udayakumar was cancelled allotting to them eligible Type-C quarters, that the 3rd respondent did not vacate the Type D quarter and that by issuing the impugned orders, undue benefit has been given to the third respondent by allotting a Type D quarter to him. It is alleged that the applicant being senior to 3rd respondent, he has a preferential claim for allotment of Type-D quarter and that the impugned orders are liable to be set aside. Apart from praying for setting aside the impugned orders, the applicant has also prayed for a declaration that he is entitled and eligible to enjoy Type-D quarter, that the occupation of Type-D quarter by the 3rd respondent is illegal and for a direction to the official

✓

respondents to conduct a departmental enquiry as to the manner in which quarters are allotted by the first respondent and to take steps to vacate the 3rd respondent from Type-D quarter.

2. On a careful scrutiny of the material placed on record and after hearing the learned counsel for the applicant, we find that the applicant is worried about 3rd respondent occupying Type-D quarter. The applicant on his own averment is entitled for allotment of a Type-C quarter only. By allotment of Type-D quarter to the 3rd respondent, the applicant's right has not been affected in any way. The Type-D quarter has been allotted to the 3rd respondent on his expressing willingness to pay three times the normal licence fee and to vacate the same, as and when a person become eligible for occupation of the quarter. If the applicant wanted to avail of that facility, the offer was open to him also, but he did not prefer to accept it. Therefore, we could not find any legitimate grievance of the applicant which calls for admission of this application. The application which is prima facie devoid of any merit, is rejected under Section 19(3) of the Administrative Tribunals Act. No costs.



(T.N.T.NAYAR)
MEMBER (A)


A.V. HARIDASAN
VICE CHAIRMAN

LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-1: True copy of representation submitted by the applicant to the 2nd respondent dated 19.7.99.
2. A-8: True copy of circular No.TRC.9(2)2000-G dated 23.11.2000 issued by the 1st respondent..
3. A-11: True copy of order No.TRC.9(2)2000-G date 21.12.2000 issued by the 1st respondent to the 3rd respondent.