

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.179/06

Monday this the 25th day of September, 2006

CORAM

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

**Aleyamma Kuruvila,
Upper Division Clerk,
Commander Works Engineers (Air Force)
Akkulam,
Thiruvananthapuram.Applicant**

(By Advocate Mr.Pirappancode V.S.Sudheer)

V.

- 1 The Union of India, represented by
the Secretary, Ministry of Defence,
New Delhi.**
- 2 Commander Works Engineer,
HQ SAC, IAF Complex,
Akkulam, Thiruvananthapuram.**
- 3 Garrison Engineer (Army)
Thirumala, Thiruvananthapuram.**
- 4 C.Vamadevan, Mazdoor,
Electrical/Mechanical Section,
Office of the Garrison Engineer,
Thirumala.**

**(By Advocate Mr.P.A.Aziz, ACGSC for R.1to3
and Mr.George Varghese Perumpallikutiyil for R.4)**

**The application having been finally heard on 14/9/2006, the Tribunal
on 25/9/2006 delivered the following:**

ORDER

**The applicant's grievance in the present OA is that despite her
eligibility for a Type-II Quarter, it has been deliberately denied to her
by the Respondent No,3, namely, the Garrison Engineer (Army),**

Thirumala, Trivandrum. Her other grievance is that while her application for allotment of a Type-II Quarter was pending before the third respondent, Type-II Quarters were allotted to ineligible Class IV employees despite the fact that they were already provided with Type-I Quarters. She has, therefore, sought a direction from this Tribunal to the third respondent to allot a suitable Type-II accommodation to her at the earliest.


2 The brief facts of the case are that the applicant, an LDC on transfer from the Office of the Commander Works Engineer, Wellington, Tamilnadu joined the office of the Respondent No3 in April, 2001. On her promotion as UDC she was posted to the office of the Respondent No.2, namely, Commander Works Engineer (Air Force) Akulam, Trivandrum. The Respondent No.2 has initially allotted quarter No.631/2 in Pangode to the applicant, but she refused to accept the same as she was conveniently residing in a private rented accommodation at Sasthanagar at that time. However, she was compelled to vacate the said private accommodation and temporarily started staying in Type-I Quarter No.466/4 allotted to one Sulochana, a Class IV employee. Thereafter she had submitted an application to the 3rd Respondent through the 2nd Respondent for allotment of a Type-II accommodation followed by another reminder dated 29.4.05. Respondent No.3 vide Annexure.A2 letter dated 13.5.05 informed the Respondent No.2 that there was no accommodation available for allotment. Respondent No.2 again took up the matter with the Respondent No.3 and requested it to allot a suitable SMQ to

the applicant stating that there was acute shortage of married accommodation at Akulam for the MES Staff and the applicant has already applied for SMQ to Garrison Engineer (Army) but it was not considered so far. Respondent No.3 again vide Anenxure.A5 letter dated 16.6.06 addressed to the Respondent No2 informed that due to acute shortage of SMQ in his Station even for their own needs, they were not in a position to provide any type of married accommodation to the applicant belonging to the office of Garrison Engineer (Air Force). Then the applicant pointed out to the Respondent No.3 that even though Type-II Quarter No.639/2 became vacant thereafter, ignoring her claim, it was allotted to the 4th Respondent, who is a Mazdoor who was already in occupation of a Type-I quarter No.466/3. Again a Type-II quarter I/86 became vacant which was also allotted to a Mazdoor, namely, Shri C.Sasidharan. Yet another Type-II Quarter No.466/2 which became vacant was allotted to one Sabhavathy, Chowkidar residing in Type-I Quarter No.467. The applicant has alleged favouritism, arbitrariness and malafide against the Respondent No.3 in allotting those Type II quarters to Mazdoors and Chowkidar.

3 The reply has been filed by the Respondent No.2 on behalf of other official Respondents also. The Respondent No.4 neither filed any reply nor appeared in person or any one else on his behalf. In the reply it was submitted that allotment of accommodation to the applicant is governed by the Anenxure.R.1 Allotment of Residence (Defence Pool Accommodation for Civilians in Defence Service)

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Rules, 1978 According to Rule 6 of the said rules "All officers posted at a station where accommodation has been built specifically for civilians in Defence Services, who are eligible for the allotment of such accommodation, shall apply for allotment." Rule 2(d) of the said Rules defines "Eligible Office" as "any unit or establishment of the respective service Army, Navy, Air Force in a station in which these rules apply." Rule 2(k) (ibid) defines "Station" as "area under the jurisdiction of a Station Commander of the respective service, Army, Navy, Air Force as the case may be." According to the respondents as far as the applicant is concerned, "eligible office" for her is office of Respondent No.2 which has its own pool of accommodation as is evident from Annexure.A3 to the OA. The reason for the Respondent No.2 to request the Respondent No.3 to allot an accommodation "as a special case" to the applicant was the non-availability of accommodation at the relevant time under the second respondent. It was specifically stated by the Respondents that the applicant is working under the jurisdiction of the 2nd Respondent and not under the Respondent No.3 and, therefore, she is not normally entitled for accommodation at the Army Station campus. It was also submitted that the 4th Respondent, employed under the third respondent though a Mazdoor was allotted the Type-II accommodation because he was entitled and eligible for such allotment as per the basic pay drawn by him. The accommodation under the control of the Respondent No.3 is set apart for employees working under them and applicant being an employee working under the Second Respondent is not eligible and

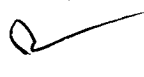


entitled for allotment of any accommodation from their pool.

4 The applicant filed a rejoinder stating that the Second Respondent was misleading this Tribunal in its reply. She stated that she is a member of the Military Engineering Service and the quarters in question at Pangode are meant for the civilian staff of the Military Engineering Service. Military Engineering Service personnel are taking up work of Army and Air Force and therefore, they are either posted under the control of the Army Station Command or Air Force Command. She herself was working as an LDC under the Garrison Engineer (Army) and on promotion she has been posted under the Garrison Engineer (Air Force) and both the Garrison Engineer (Army) as well as Air Force belonging to the Military Engineering Service. She has also annexed Annexure.A8 and A9 letters issued by the Respondent No.3 to the Respondent NO.2 informing that three Type-I quarters were available for allotment and name of applicants for them can be forwarded, to prove her point that employees working under both the Respondents 2 and 3 are eligible for accommodation maintained by Respondent No.3.

6 I have heard Shri Pirappancode V.S. Sudheer for the applicant and Shri P.A.Aziz,ACGSC for Respondents 1 to 3. None was present on behalf of Respondent No.4. It is evident from the pleading that both the Respondents 2&3 have separate pools of accommodation under their control. The applicant is working under the Respondent No.2 and she was initially allotted a Type-II quarter No.531/2 by the second respondent but she did not occupy it as she was already

residing comfortably in a private rented accommodation. Only when she was forced to vacate the said private accommodation, she sought allotment of another accommodation from the Respondent No.2. Since there was no accommodation available in the pool maintained by the Respondent No.2, they have requested the Respondent No.3 vide Annexure.A3 letter dated 24.5.06 to allot a suitable Type-II married accommodation to the applicant as a "special case". However, the said request was regretted by the Respondent No.3 on the ground of acute shortage of accommodation for their own staff. The facts being so, the applicant made wild allegations of favouritism, arbitrariness and malafide against Respondent No.3. She had not even cared to verify the facts regarding the eligibility of the Respondent No.4 before allegations of favouritism and malafide have been made against the Respondent No.3. Even after Respondent No.3 clarified clearly that though the Respondent No.4 was a Mazdoor he was drawing basic pay which qualified him for allotment of a Type-II accommodation, the applicant in the rejoinder continued to maintain her stand and demanded proof to substantiate the clarification. Such unsubstantiated, unfounded and irresponsible allegations against the Respondent No.3 as well as Respondent No.4 by the applicant, to say ^{the} least, was uncalled for. No government servant shall make such sweeping allegations of favouritism and malafide against a superior officer in such a casual manner without verifying the full facts. Once such allegations are made, the government servant shall be prepared to prove the same. At least



when the employee is informed of the facts which is otherwise, it is expected that the employee# concerned shall at least express regret for making such allegations and shall withdraw them. In the present case, instead of expressing any regrets, the applicant is again demanding proof from the Respondents to substantiate its statement of fact. As the applicant belongs to the office of Respondent No.2 and the rejection of the request of Respondent No.2 made by the Respondent No.3 to allot a Type-II accommodation to the applicant 'as a special case' on the ground of non-availability of accommodation from their pool cannot be termed as an arbitrary action. In my considered opinion the present O.A is absolutely a frivolous one and allegations of favouritism, arbitrariness and malafide levelled by the applicant against Respondent No.3 and Respondent No.4 were absolutely uncalled for. Therefore, I have no hesitation to dismiss this O.A with a direction to the applicant to pay a cost of Rs. 1500/- (Rupees one thousand five hundred only) to the Respondent No.3 and the Respondent No.2 shall recover it from her pay for the next month. Ordered accordingly.

Dated this the 25th day of September, 2006.


GEORGE PARACKEN
JUDICIAL MEMBER

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