

22/8/88

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 274 of 1988

APPLICANT (s) Ram Krishna Verma

RESPONDENT(s) Union of India and others

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	yes
2. (a) Is the application in the prescribed form ?	yes
(b) Is the application in paper book form ?	yes
(c) Have six complete sets of the application been filed ?	Five sets have been filed
3. (a) Is the appeal in time ?	yes
(b) If not, by how many days it is beyond time ?	-
(c) Has sufficient case for not making the application in time, been filed ?	-
4. Has the document of authorisation, Vakalat-nama been filed ?	yes
5. Is the application accompanied by B. D. /Postal-Order for Rs. 50/-	yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Attested by Advocate

OK
12/2/80

Hon. Atty. Gen.,
Hon. G.S. Sharma

Hon. L.

Shri K.C. Simha for the
applicant is present.

9/2

Some minor corrections in the
petition are required.

26/4/80

26/4/80

Hon. D.S. Mishra - Am.
Hon. G.S. Sharma - Am.

Shri R.K. Tiwari for
the applicant is present.
on the request of
Shri K.C. Simha, the case
is adjourned to 17/5/80
for admission.

Am.

Am.

17/5/80

Hon. Atty. Gen. - Am.
Hon. G.S. Sharma - Am.

on the request of
Shri K.C. Simha for the
respondents, he is allowed
three weeks further time to
file reply papers.
The case is fixed for
admission on 17/6/80.

No 271.14

no one appears for reply.
 matter may be held in 17.3.19

17.3.19

order any one appears for reply
 nor any counter has been filed
 despite sufficient time granted.

Ad- before court for admission
 on 10.4.19

10.4.19, Hon K. Nath, V-C
 Hon D. S. Mishra AM.

On the request of counsel
 for applicant case is adjourned to
 30.6.89 for ~~transfer~~ admission.

AM.

V-C

30.6.89.

Hon. G. S. Sharma. J.M.

Shri. R.K. Tiwari is present
 for the applicant. On the request
 received from Shri. K.E. Bhatia
 for the respondents adjourned
 to 18/7/89 for admission.

J.M.

Bn.

OTA 274/1988

29.1.1988, Hon. D.K. Agrawal, JM
Hon. K. Chatterjee, AM

Sri R.K. Tewari, learned Counsel for the Applicant
is present. Impugned order is dt. 2.6.1988. The Appln.
was filed on 17.2.1988. Learned Counsel for the Applicant
wants time to show as to how this is within limitation.
List it on 7.3.1990 ^{orders on} for admission


A.M.

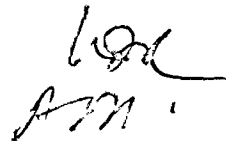

J.M.

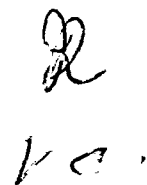
29.1.1990
K.M.

7-3-90 Hon. R. Nath J.C.
Hon. K. J. Laloo AM.

Parties counsel are not
present. List for admission on

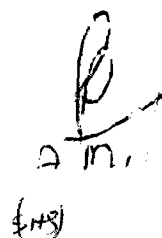
9-4-90.


A.M.


J.C.

Hon. D.K. Agrawal, JM
Hon. K. Chatterjee, AM

9⁴-40 Sri R.K. Tewari Counsel for the applicant
and Sri K.E. Sarda Counsel for the respondents
have been heard. ^{order} Judgment reserved.


A.M.
(148)


J.M.

T. A. 131/92 T. 2

28/12/91

The case relates to territorial jurisdiction of Lucknow. Hence, it is being transferred to Lucknow Bench vide Hon'ble V.C.'s order dated 18/12/91.

Q

S.O. (3)

Q

22.6.92

D.R.

Register the case as T. A. This case has been received after transfer to this Bench from C.A.T. Alld.

Issue notice to the

counsel for both the parties.

List this case for hearing before the Hon. Bench on

19/8/92.

Noted

Advocate

C.A.

24/6/92

OR

Notices issued on 25-6-92

Q

19.8.92

No S.M. & D.M. adjn

27.8.92

Q

O.R.

S.F.H.

Q

26/8/92

T.A.No.131/92 (T.L.)

in

O.A. No. 274/88

27/8/92

Hon. Mr. Justice U.C.Srivastava,V.C.

Hon. Mr. K. Obayya, A.M.

The learned Counsel for the applicant states that the desired relief has been granted to the applicant and as such the applicant is no longer interested in pursuing the matter and this application may be dismissed as withdrawn. Accordingly this application is dismissed as withdrawn. The learned Counsel for the respondents also accepts this position.


A.M.


V.C.

Application under Section 19 of Administrative Tribunal
Act, 1985

Filed on 15-2-1988

Regn. No. 274 of 1988

Signature of M(C)

In the Central Administrative Tribunal Lucknow-1

Between

Ram Krishna Verma - - - - - Applicant

And

1. DIT Lucknow
2. Estate Officer
Office of DIT Lucknow
3. DIT UP Circle, Lucknow

Sl. No.	Annexure Marked	Particulars of Documents	Page No.
1.	-	Application	2 to 5
2.	A I	SDO (P) Faizabad Indost No. A-3/42 dt. 13.3.85	6
3.	A II	Application dt. 28.3.85	7
4.	A III	DIT Lucknow order dt. 2.6.86	8
5.	A IV	Estate Officer's No. 55/-/70/5 dated 27.10.85	9
6.	A V	Appeal dated 10.11.86 to DIT	10-11

15/2/88
Lucknow

21/6/2011

+ 22/3/85
 Raigabad
 17/2/88
 Mr
 Mrs

21. Hagerstrom

(i) The applicant is a lineman under the sub-divisional Engineer (Telegraphs) Faizabad. He is also an allottee of one Type 1 quarter in Telephone Exchange Compound Faizabad free of rent. He was temporarily transferred to Akberpur (Faizabad) for a very short period of 10 months and 17 days viz. from 29.5.82 to 16.4.83. During the said temporary transfer the applicant kept his family at Faizabad and retained the possession of the said quarter under verbal permission of the learned ~~respondent no. 1.~~ *SLD (T) Faizabad.*

(ii) For a very short period (say hardly for 2½ months) during February 85 to April 85 one Shri B.B. Tripathi another lineman who was homeless was permitted to stay with the applicant in the said quarter purely as a guest. No rent (in cash, kind or service) was charged by the applicant from the said Shri Tripathi. Unfortunately Shri Tripathi tried to get the said quarter allotted in his ^{own} name by divesting the applicant from its ownership. However after a struggle Shri B.B. Tripathi ultimately vacated the quarter in April 1985 since when the applicant is occupying the quarter legally and also physically. This fact will be made quite clear from SLD (T) Faizabad Memo. No. 1-3/42 dated 16.3.85 Ann. All on page 6 and applicant's letter dated 23.3.85 as Ann. All on page 7.

(iii) Although everything was thus settled the learned SLD Lucknow without any rhyme or reason or even without ^{any opportunity} to the applicant for his defence imposed upon the applicant a penal rent of 40% (amounting to Rs. 183/-) i.e.f. 16.6.82 vide his Memo No. 203-107/ A. Allot/ 7/ 84-85/33 dated 2.6.1985 Ann. All on page 8.

Reviewed

21M 20/08/85

(iv) Over and above the learned Estate Officer of the office of GHT Lucknow vide his No. 305/-/70/5 dated 27.10.86^{CHP} has also evicted the applicant from the said quarter.

(v) The applicant made a representation to the learned GHT Lucknow on 10.11.86 for setting aside the two orders passed by the learned DFT Lucknow and the Estate Officer GHT's Office, Lucknow vide Ann. AV on page 10. But as he failed to get any response he is submitting this application to the Hon'ble Tribunal for their kind intervention.

7. Reliefs sought for - In view of the facts narrated in para 6 above the applicant prays for the following reliefs :-

- (i) The order dated 2.6.86 (at Ann. III on page 8) passed by the learned DFT Lucknow and that dated 27.10.86 (at Ann. AV on page 10) passed by the learned Estate Officer may both be set aside.
- (ii) The penal rent already realised from the applicant may be refunded to him and he may be allowed to continue living in the quarter in which he is already living.
- (iii) He may further be allowed the cost of this suit together with all other reliefs deemed fit by the Hon'ble Tribunal.

8. Interim order if any prayed for -
Pending finalisation of this application the respondent may be directed not to recover any more penal rent from him.

Review

21/11/86

- 5 -

8- Interim order, if prayed for— N I L

9- Details of the remedies exhausted

The applicant declares that he has availed of all the remedies available to him under relevant service rules—

He preferred an Appeal to Gvt Lucknow on 10-11-1986
vide copy at Ann. A V on Pages 10 to 11
which remained unattended hence this Application.

10- Matter not pending with any other court etc. :-

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law, or any other authority or any other bench of the Tribunal.

11- Particulars of the Postal Order in respect of the application fee :-

- (i) No. of I. P. O. DD5/567325
- (ii) Name of Issuing P. O. Allahabad H.P.O.
- (iii) Date 1-2-1988
- (iv) P. O. at which payable

Removed
RT
9/3/88
Allahabad H. P. O.

12- Index- An Index of the documents to be relied upon is enclosed with each copy of this application

13- List of enclosures :-

- (i) Vakalatnama
- (ii) one I. P. O. for Rs. 50/-
- (iii) Five documents to be relied upon

In Verification

I, ~~Ran Krishna Verna~~ S/O Shri ~~Raneshwar Verna~~ aged 48

years R/O ~~Telephone Exchange Compound~~ and working as ~~Linesman~~, do hereby
~~Faizabad~~ ~~Telephone Exchange~~
verify that the contents from 1 to 13 are true to my personal knowledge & belief and that I have not
suppressed any material facts.

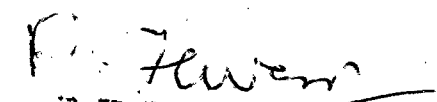
Place- Allahabad

Date 15/2/1988

To

The Registrar, Central Administrative Tribunal,
Allahabad-211001


Signature of applicant


R. K. TEWARI
Advocate
154, Puranagar
(K)
Allahabad-10

पत्र-संख्या-22

Corr.-22

उत्तर देते समय कृपया

निम्न संदर्भ दें

In reply

Please quote

भारतीय डाक विभाग

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

प्रेषक

From

प्राप्त

To

कल संख्या

No.

दिनांक

Dated at

विषय

SUBJECT

श्री गुरु गुरुनानक जियाने
आपके पत्र के जवाब में लिखा है कि आप
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उप मंडल अधिकारी कार फेजाबाद
S. D. O. Telegraphs, Ferozepur.

उप मंडल अधिकारी कार फेजाबाद
S. D. O. Telegraphs, Ferozepur.

Annexure A II

श्रीमान्,

उप मण्डलीय अधिकारी,
तार पैसाबाद ।

सेवा में,

सविनय निवेदन है कि आपके कार्यालय द्वारा भेजे गये पत्र संख्या एच० ३/४२ दिनांक १८-३-८५ के अनुसार प्रार्थी श्री बी०बी० त्रिवाठी ने दाखल कहा कि भाईसाहब हम बहुत परेशान हैं कारण यह है कि हम बी०बी० त्रिवाठी जिस क्वार्टर में रहते थे मकान मालिकों ने उन्हें उसमें से निकाल दिया है इसलिए आप सामान रखने के लिए क्वार्टर में जगह दे दो प्रार्थी ने जोड़ीदारी के नाते या मानवता के नाते क्वार्टर में सामान रखने के लिए जगह दे दिया । इस प्रकार बी० बी० त्रिवाठी को क्वार्टर में आने जाने का साधन बन गया ।

प्रार्थी ने अपने क्वार्टर में कुछ सादे कागज पर सिगनेचर करके अपने निजी कार्य के लिए रक्खा था। तथा साथ में कुछ विभागीय कागज भी थे । उसको श्री बी०बी० त्रिवाठी ने बुरा किया है इन्हीं बुराए हुए कागजों के बल पर बी०बी० त्रिवाठी प्रार्थी के खिलाफ लिखा पढ़ी शुरू कर दिये हैं और धमकी देते हैं कि मैं आप को लड़ाकर परास्त कर दूंगा और यदि क्वार्टर नहीं छोड़ते तो तुम्हें और तुम्हारे लड़के को जान से मरवा डालूंगा और कहते हैं कि क्वार्टर हमारा है ।

अतः श्रीमान् जी से प्रार्थना है कि श्री बी०बी० त्रिवाठी जो प्रार्थी को परेशान कर रहे हैं उन्हें रोका जाये । और उनके साथ विभागीय उचित कार्यवाही की जाये तथा जो हमारी सिगनेचर पर किसी प्रकार की लिखा पढ़ी करें वह खैर माना जाये ।

श्रीमान् जी जबसे क्वार्टर में जाने प्लानट हुआ तबसे मैं अपने जच्चीके साथ इसी क्वार्टर में रह रहा हूँ और भविष्य में मुझे इस क्वार्टर में रहने की जति आवश्यकता है । क्योंकि मेरा लड़का इस समय कक्षा ९ में बी०आई०सी० गवर्नमेंट इण्टर स्कूल में पढ़ता है और इस क्वार्टर में रहता है ।

TRUE COPY

R. K. Tewari
(R. K. Tewari, Adm.)

दिथि:- 28-3-85

प्रार्थी,

राम कृष्ण वर्मा
कनैन फोन्स,
पैसाबाद ।

Handwritten: H. V. K. A. 11

Report of Police Communication

Office of the Divisional Engineer,
Telegraphs, Lucknow Division.

Memorandum No. 107/02 Allocated 18-6-32 Dated 18-6-32.

Shri Ram Krishna Verma L/M Faizabad was allottee of one Type-I Cr. in Telephone Exchange compound Faizabad. On 29th May 1932 Shri Verma was transferred from Faizabad to Alibonpur where he joined his post on 12th June. That consequence upon his transfer the allotment of the Cr. was cancelled. He gave possession of the quarters to Shri B. D. Tripathi L/M Faizabad. He gave possession to Shri B. D. Tripathi L/M Faizabad on his own initiative, viz. on 12th June. On his transfer back to Faizabad, viz. on 12th June 1932 he came back possession of the quarters to Shri B. D. Tripathi L/M Faizabad and started living in the quarters of Shri B. D. Tripathi L/M Faizabad along with Shri B. D. Tripathi.

Shri B. D. Tripathi L/M Faizabad was to be the allottee of the Cr. from 12th June 1932. The date of his allotment was 18-6-32.

That Shri Ram Krishna Verma L/M Faizabad was an authorized occupant of the quarters with effect from 13-6-32 and has also evicted the unauthorized occupant from the quarters to Shri B. D. Tripathi L/M Faizabad without obtaining permission for sharing of the accommodation.

The undersigned, therefore, in exercise of the powers vested in him hereby orders COE placed rent on Shri Ram Krishna Verma L/M with effect from 18-6-32, the date of his unauthorized occupation.

(R. C. Tripathi)
Divisional Engineer, Telegraphs,
Lucknow Division

Copy forwarded for information and necessary action to:-

1. The S.D.O. Telegraphs, Faizabad. It should get the quarters vacated from the office immediately.

2. The S.D.O. Faizabad. It should get the quarters vacated from the office immediately.

3. The S.D.O. Faizabad. It should get the quarters vacated from the office immediately.

4. The S.D.O. Faizabad. It should get the quarters vacated from the office immediately.

5. The S.D.O. Faizabad. It should get the quarters vacated from the office immediately.

6. The S.D.O. Faizabad. It should get the quarters vacated from the office immediately.

7. The S.D.O. Faizabad. It should get the quarters vacated from the office immediately.

8. The S.D.O. Faizabad. It should get the quarters vacated from the office immediately.

9. The S.D.O. Faizabad. It should get the quarters vacated from the office immediately.

10. The S.D.O. Faizabad. It should get the quarters vacated from the office immediately.

(R. C. Tripathi)
R. C. Tripathi
(R. C. Tripathi)

Annexure A IV

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE C.E. Tel COM U.F. CIRCLE LUCKNOW.

Form 'B'

Order under Sub-Section(1) of section 5 of the Public Premises
(Eviction of Unauthorised Occupants) Act. 1971.

To,

Shri Ram Krishan Verma
Lane, Man C/o S.D.C.T.
Faizabad.

No. Bdg/E/70/5

Dated at Lucknow 27.10.86.

Order

Where as I, the undersigned, am satisfied for the reasons
recorded below that Shri Ram Krishan Verma, L/A is in unauthorised
occupation of the Public Premises specified in the Schedule below:-

Schedule

Because Shri Ram Krishan Verma transferred from
Faizabad to Lucknow on 29.7.82 and he is liable to vacate the
departmental quarter allotted to him within the prescribed limit
of two months with effect from 29.9.82 i.e. by the date before
29.7.82 is unauthorised.

Now, therefore, in exercise of the powers conferred on me by
Sub-Section (1) of Section 5 of the Public Premises (Eviction of
Unauthorised occupants) Act. 1971, I hereby order the said Shri
Ram Krishan Verma and all persons who may be in occupation of
the said premises or any part thereof to vacate the said
premises within fifteen days of the date of publication/
receipt of this order. In event of refusal or failure to
comply with this order within the period specified above, the
said Shri Ram Krishan Verma and all other persons concerned
are liable to be evicted from the said premises, if need be by
the use of such force as may be necessary.

Schedule

Official Quarter type 1 situated at T.S. compound
located in unauthorised occupation since 29.7.82.

o/o C.E. Tel. COM U.F. Circle,
Lucknow.

TRUE COPY

R. K. Verma
(R. K. Verma, Secy.)

10,

The S.A.P.
J.P. Circle Lucknow

Through: Proper Channel

Subject :- Appeal against the order of imposing penal rent of 40/- by the learned D.A. Lucknow and cancellation of allotment of Type 1 quarter in II Compound Faizabad of which the appellant was a allottee copies enclosed.

Sir,

The appellant is a line-man. He is also an allottee one Type 1 quarter in II Compound Faizabad (free of rent). The appellant was temporarily transferred from Faizabad to Meerpur for a short period of 10 months and 17 days viz. from 29.5.82 to 16.4.83. He retained the quarter with him and kept his family in the same. This was done under the verbal orders of SDO(T) Faizabad who vide his endost no. A-3/42 dated 18.3.85 (copy enclosed) regularised the affair.

The appellant had permitted one Shri S.B. Tripathi a lineman to stay with him free of rent, he made a copy of the case and tried to get the quarter allotted in his name. However he vacated it in April 1985 since when the applicant had been occupying the quarter legally and physically.

But notwithstanding the above facts the learned D.A. Lucknow has imposed a penal rent of 40/- on the appellant vide his order no. Bdg-107/Gr.Allott/Fy/84-85/33 dated 2.6.86 without any rhyme or reason and the learned State Officer of your office has altogether evicted the appellant from his said quarter.

राम कृष्ण शर्मा

-11-
-2-

P R A Y E R

It is, therefore, humbly prayed that the said two orders may kindly be quashed and the learned J.J. may further be directed to refund the penal rent already recovered by him.

Yours faithfully

Sd/- R. K. S. Choudhary

Dated: 10.11.86

TRUE COPY

(R. K. S. Choudhary)

रामकुमार शर्मा

प्राप्त मुकदमे की पैरवी के लिये मेहनताना अदा करने का वचन देकर अपना वकील नियुक्त करता हूँ / करते हैं। उन वकील महोदय को मैं / हम प्रार्थना करता हूँ / देते हैं कि वह मुकदमे में मेरी ओर से पैरवी करेंगे, जवाब दें और बहस करें दस्तावेज व कागजात अदालत में सवाल पूछें, वापस लेवें पंचनामा उपस्थित करें पंच नियुक्त करें यदि आवश्यक हो तो पंच निर्णय का लिखित विरोध करें, मुलहनामा दाखिल करें, दावा करें, उठा लेवें और डिमा प्राप्त हो जाय तो उसे जारी करावे, डिमा का रुपया नाना का रुपया या किसी दूसरे तरह का रुपया व खर्चा जो अदालत से मिलने वाला हो वसूल करें मेरी / हमारी ओर से अदालत में दाखिल करें, स्टाम्प देवें या वापिस लेवें रसीद ले लेवें व प्रमाणित करें, नकल प्राप्त करें, अनुमति से मिसिल का मुआयना करें, आवश्यकता होने पर मुकदमा मैं व इस मुकदमे के सम्बन्ध में दूसरे काम जो जरूरी समझें पैरवी के लिए कोई दूसरा वकील नियुक्त कर यदि आवश्यकता हो तो अपील या अपील कर दें और अपील निगरानी की अदालत में पैरवी करें और यह भी / देते हैं कि यदि मैं / हम पूरी फीस या खर्च न अदा करूँ / करें तो वकालत के बलक बहस व पैरवी के लिये बाध्य न होंगे।

ए अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमे के सम्बन्ध में जो करेंगे वह सब अदालत में स्वयं मेरा हम्परा किया हुआ सम्पन्न जायेगा और हमें सदैव ही मेरे/हमारे किये के समान्ति उबंथा मान्य होगा ।

॥

15th February, 1988 सन् १९८८

Accepted

सर्वोकार है

2. K. E. F. K. A. N. I. I.

Advocate

134 P. 111



10

18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : ALLAHABAD.

.....

CIVIL MISC. APPLICATION NO.

OF 1990

ON BEHALF OF

UNION OF INDIA & OTHERS.

.APPLICANTS/
RESPONDENTS.

IN

REGISTRATION NO.274 of 1988

Ram Kishan Verma

.applicant

Versus

Union of India & others.

.Respondents

To

The Hon'ble The Vice Chairman and His
Companion Members of the aforesaid Tribunal.

The humble application of the abovenamed
Most Respectfully States :

- 1- That in view of facts and circumstances
stated in the accompanying counter affidavit, it is
in the interest of justice that the reliefs claimed
by the petitioner are rejected.

62

Received
C/My
Rajendra
K. Verma
6/8/89

2.

P_R_A_Y_E_R

WHEREFORE, this Hon'ble Tribunal may kindly be pleased to reject the reliefs as claimed by the petitioner, otherwise the respondents would suffer irreparable loss.

Dt - 26/8/96


(K.C. SINHA)
ADDL. STANDING COUNSEL
CENTRAL GOVT.
COUNSEL FOR THE RESPONDENTS.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : ALLAHABAD.

.....

COUNTER AFFIDAVIT
ON BEHALF OF THE RESPONDENTS

IN

REGISTRATION NO. 274 of 1988

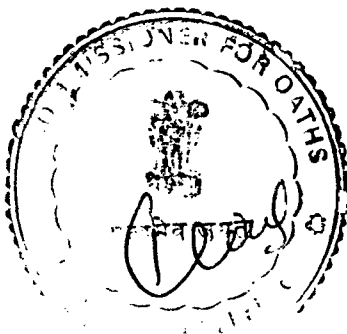
Ram Kishan Verma

.Applicant

Versus

Union of India & others.

.Respondents.



Affidavit of *E.N. Singh*
aged about 5 years, s/o *late Hanu Singh*
posted as *EF - Faizpur*

(Deponent).

I, the deponent abovenamed do hereby
solemnly affirm and state on oath as under :

- 1- That the deponent is
and has been
authorised to file this counter affidavit on behalf
of respondents and is well acquainted with the facts
deposed to below.

2.

2- That the deponent has read the petition and has understood the contents therein fully and he is in a position to reply the same.

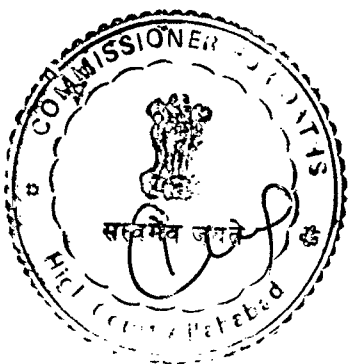
3- That before giving parawise reply to the petition, the following facts are asserted in order to facilitate this Hon'ble Tribunal in administering justice :

a/- That the petitioner was a Line Man, Telegraphs, Faizabad and was allotted one Type I quarter at Telephone Exchange Compound, Faizabad w.e.f. 1st November, 1969. 1977.

b/- That the petitioner was transferred from Faizabad to Akbarpur by the Sub-Divisional Officers, Telegraphs, Faizabad on 23rd May 1982 and he joined at Akbarpur on 5th July 1982.

c/- That during the course of stay at Akbarpur, the petitioner did not vacate the quarter which was allotted to him at Faizabad.

d/- That the petitioner was again transferred from Akbarpur to Faizabad and he resumed his duties as Line Man at Faizabad on 16.4.83.



3.

e/- That it appears that due to ~~lack~~ lackness and negligence on the part of Divisional Office, the petitioner availed the facilities of quarter, keeping

his family members even when he was out of Faizabad. As per departmental Rule and the application form of allotment indicate intimation would have been given to the controlling authority.

f/- That it appears that during stay at Akbarpur, the petitioner sub-let the aforesaid quarter to one of his colleague Shri B.B.Tripathi, another line man w.e.f. 5th July 1982 and when he came back to Faizabad, he started residing together but not in the knowledge of the controlling authority. But when the dispute arisen between the petitioner and Shri B.B. Tripathi, it came to the knowledge of authorities and only then necessary action has been taken.

g/- That in fact after friction between the petitioner and Shri B.B.Tripathi, it came to the notice of the Divisional Engineer, Lucknow, now Telecom Divisional Engineer, Faizabad, through his Letter No. NIL dated 9th July 1985, that Shri B.B.Tripathi had made request to allot the quarter in dispute to him, who was residing when the petitioner was at Akbarpur. A photostat copy of the letter dated 9.7.85 of Telecom Engr. is enclosed herewith and marked as Annexure CA-1 to this affidavit



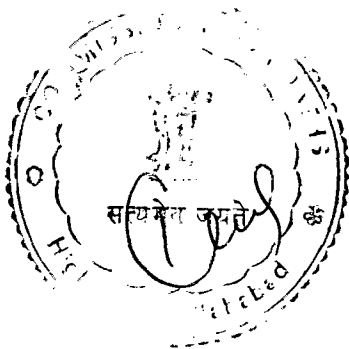
- of Engr. -

4.

h/- That in this connection, a letter was also written by the petitioner, which has been produced by the Shri B.B.Tripathi only when he made an application for allotment and photostat copy of the letter dated 5.7.82 of the petitioner is enclosed herewith CA-2. and marked as Annexure CA-2 to this affidavit.

i/- That when all these things came to the knowledge of Telecom Engineer, Faizabad, the petitioner was held unauthorised occupant of the departmental quarter from 18th June 1982 and he had automatically ceased to be allottee of the quarter from the date of joining at Akbarpur.

j/- That on 8th December, 1986, the Estate Officer issued another letter addressed to S.D.O. Faziabad through which the Estate Officer again insisted for eviction of the petitioner from the said quarter. A photostat copy of the letter is enclosed herewith and marked as Annexure CA-3 to this affidavit.



CA-3.

k/- That order of recovery for penal rent at the rate of 40% of the basic pay was ordered by the D.E.T. Lucknow dated 2.6.86 and to vacate the quarter with immediate effect, copy of which has been

5.

filddas Annexure A-3 to the petition. The petitioner made an appeal to the Estate Officer, office of G.M.T. U.P. Circle, Lucknow, which was turned down and he has been ordered that the departmental ~~annexure~~ quarter type-I situated at Telephone Compound, Faizabad is unauthorised occupation and the S.D.O. Telephone was ordered to take possession of the said quarter even with the help of Police .

1/- That in view of aforesaid facts, it can not be said that the petitioner was not given any opportunity to have a say in the matter.

m/- That in order to facilitate this Hon'ble Tribunal, relevant government order as well as Rule for allotment of official quarter are annexed herewith and marked as Annexure CA-4 and CA-5 to this affidavit

4- That the contents of paragraphs 1, 2, 3, 4 and 5 of the petition need no comment.

5- That in reply to contents of paragraph 6(i) of the petition, it is submitted that transfer order from Faizabad to Akbarpur was not temporary, but it was a regular transfer order, though he was



6.

again transferred in the month of April 1983 from Akbarpur to Faizabad, but the fact remains that the said transfer order was not at all temporary. The Sub-Divisional Officer ~~has~~, as referred in paragraph under reply, has never given any verbal order to retain the possession of the departmental quarter to the petitioner during his stay at Akbarpur.

6- That the contents of paragraph 6(ii) of the petition are not correct, as stated. It is further stated that period of residing in the quarter by Shri B.B.Tripathi, given by the petitioner is wrong. Shri Tripathi given his remarks that he is residing in the quarter from 5.7.82 to April 1985 and the petitioner has given remarks that Shri B.D.Tripathi Lineman is trying to vacate Shri R.K.Verma Lineman since one year. No body can allow another official for more than two and half years without obtaining any rent (in cash/kind/service). It is presumed that the petitioner was being paid any rent, howsoever, by Shri B.B.Tripathi.

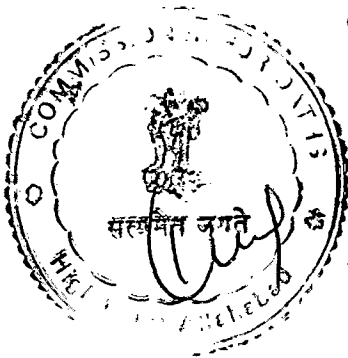
[Handwritten signature]



7.

7- That the contents of paragraph 6(iii) of the petition are not correct and as such are denied. It is further submitted that question of giving an opportunity arises when a person is entitled to retain the said quarter legally, but in the present case, since the petitioner was residing in the quarter unauthorisedly and as such necessary action was taken and before taking necessary action, there is no requirement in law to give any opportunity.

8- That the contents of paragraph 6(iv) of the petition are matter of record and as such need no comment except that ^{before} before proceeding/the Estate Officer, the petitioner was given an opportunity departmentally, which has been filed as Annexure A-3 to the petition, and copy of said order dated 2.6.86 was also addressed to the petitioner as well as to the Estate Officer.



9- That the contents of paragraph 6(v) of the petition need no comment.

10- That in reply to contents of paragraphs 7 and 8 of the petition, it is submitted that in view of facts and circumstances stated above, the

[Handwritten signature]

8.

petitioner is not entitled to any relief as prayed in the paragraphs under reply. The petition is devoid of merit and is liable to be rejected.

11- That the contents of paragraphs 8, 10, 11 and 12 of the petition need no comments.

That the contents of paragraphs 1 and 2 of this affidavit are true to my personal knowledge; those of paras 3 to 9 and 11 are based on record/ informations and those of para 10 are based on legal advice, which all I believe to be true. No part of it is false and nothing material has been concealed in it.

SO HELP ME GOD.

DEPONENT.

I,

declare that the person making this affidavit and alleging himself to be the deponent is known to me personally.

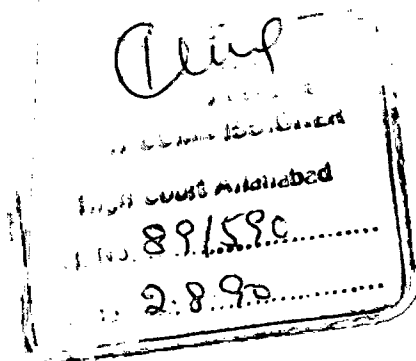
IDENTIFIER.

9.

Solemnly affirmed before this 2nd day
of July 1990 at 8⁰⁰ ^{AM} ~~am~~ ^{pm} by the deponent, who is
identified by the aforesaid clerk.

I have satisfied myself by examining
the deponent that he understands the contents of
this affidavit which has been read over and explained
to him.

OATH COMMISSIONER.



सेवा में -

✓ श्री मान मण्डलीय कमियन्ता : तार :

लखनऊ

द्वारा -

उप मण्डलीय अधिकारी : तार :

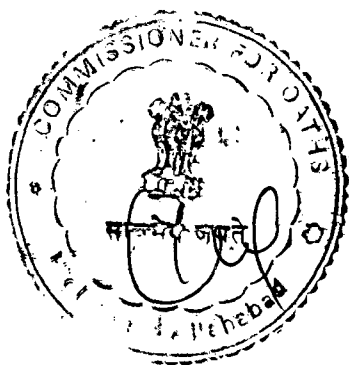
पंजाब

महोदय -

विनम्र निवेदन है कि प्राची पंजाब में लॉर्डन में के पद पर कार्यरत है। प्राची हैड पीस्ट आ फिस पंजाब कंपाउण्ड में स्थित विमानों के क्वार्टर जिसे श्री राम कृष्ण वर्मा लॉर्डन में रहते थे, में जून २३-६-२२ को खोला है। श्री राम कृष्ण वर्मा जून २२ में ही दि० २३-६-२२ को पत्रादि ऊ० म० अ० : तार :

सं० ६ - अ ६२ दिनांक २३-६-२२ द्वारा अकबर पुर हस्तान्तरित हो गये थे उनके हस्तान्तरण के पेशवात श्री मान जी की संवर्धित पत्र दि० ६-७-२२ द्वारा श्री राम कृष्ण वर्मा ने श्री मान जी के मान होले व उन्हीं प्राची के रहने की बात को पुष्टि करके उक्त क्वार्टर के नान वज कराने की प्राची की थी जिसकी एक फोटो कापी इस प्राची पत्र के साथ श्री मान जी की अवलोकनाधी प्रस्तुत की जा रही है। अब श्री वर्मा उपरीक्त पुनः पंजाब आ गये हैं और अपने शक्ति पेशा व गौत्वन्द एवं सख्त साधियों के साथ प्राची के उक्त क्वार्टर पर पुनः कब्जा करना चाहते हैं।

निहित ही कि प्राची उक्त क्वार्टर पर तत्कालीन खा० डी० जी० : टी० : की मीसिक अनुमति व श्री राम कृष्ण वर्मा की सहमति से कातिज हुआ तथा अपने परिवार के साथ रह रहा है



सनामी

अभिमान भाव है कि ओम के तल

संख्या 13

निर्देश = २४ V. १३/१५/१६ A. निरदलतक मिषयम

सोमनाथ निनादन यद्वा है कि प्राची प्रमाणित

इकर-वेन्ज में लाइनमें के पद पर अक्षर था

प्राची के नाम सार्वभारिक कान

प्राची का स्थानान्तरण के नाम से अन्तर्गत

हो गया है और प्राची ६-६-८२ से अन्तर्गत

पुष्ट में डिप्टी क्लर्क है। स. १०३०. ११ के नाम

पत्र संख्या नं. ६-६६२ व. १३-६-८१

है। ओमाल जो से प्राची

कि हमारे साथ में रहने वाले औद्योगिक

निपाठी के नाम की कर दिया जाय और इनकी

क्या कर पूरा किया जा रहा है

प्रतिनिधि आरम्भ नहीं है आप का

१) न्याय/मान में प्रमाण का है

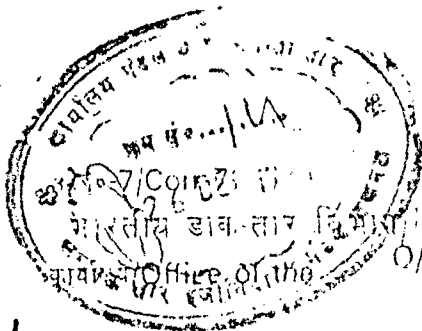
(२) न्याय/मान में प्रमाण का है

न्याय/मान में प्रमाण का है

न्याय/मान में प्रमाण का है



१९१५२०
Date २५/११/८०



INDIAN P & T DEPARTMENT
O/o the General Manager, Telecom
U. P. Circle, Lucknow - 226001

Shri B. D. Singh

S.D.O. T.

Faizabad

Dated at LW

8-12-86

No. Bdg/E/7015

Subj: Unauthorised occupation of
departmental quarters type I at T.E
Compound Faizabad by Shri K.K.
Verma U/M of S.D.O. T.

Kindly refer to this office letter No
even dated 20-11-86 on the above noted
subject and intimate whether the quarters
has been vacated by the above officer or
not. If not take immediate steps to get
the quarters vacated by the help of police
force and report compliance.

This may be treated as most urgent
Please.

ESTATE OFFICER

O/o the General Manager, Telecom
U. P. Circle, Lucknow - 226001

Copy to D.E. T. Lucknow for information
with reference to his letter No. Bdg-107/qua
Allotment/Faizabad/16 dt. 3/12/86.



High Court Allahabad
No. 89/590
Date 9/12/86

(iii) Provided that an officer may, in special cases, be allowed by the allotting authorities to retain a residence on payment of twice the standard rent under F.R. 45-A or twice the pooled standard rent under F.R. 45-A if the rent has been pooled, whichever is higher, for a period not exceeding six months beyond the permissible period mentioned in the table below sub-rule (2).

(iv) This rule will not apply to general service officials who are entitled to rent free quarters as a condition of service or house rent allowance in lieu thereof nor to those officers who have been allotted quarters attached to their posts in the interest of service.

33. The officials who are allotted quarters attached to their posts on payment of rent under F.R. 45-A may be allowed to retain the same during leave and on transfer as under:-

(i) During leave: The official may be permitted to retain the quarters during leave for a period not exceeding two months on payment of normal rent. Beyond the period of two months the official may be permitted to retain the quarters on payment of normal rent, upto maximum of four months if the Head of the Circle considers that there are sufficient reasons for the retention of the quarters; when he may permit their retention upto four months.

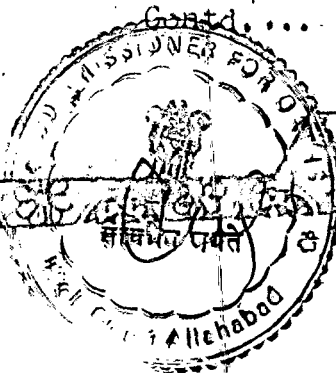
(ii) On Transfer: The official may not be permitted to retain the quarters at old station beyond the period of joining time. In exceptional cases the official may be permitted by the Head of Circle to retain the quarters at the old station for a period not exceeding two months from the date of relief at the old station on payment of normal rent provided:-

(a) the quarters are required for the bonafide use of the official or his family;

(b) The quarters are not required by the substitute during the period.

The official may be allowed to draw house rent allowance as admissible at the new station or occupation of quarter attached to the post

Contd.



C.A. 4

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RETENTION OF
QUARTERS ATTACHED
TO POSTS DURING
LEAVE AND TRANSFER

High Court Allahabad

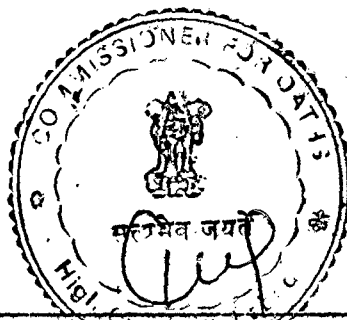
Sl. No.
Date

INDIAN POST AND TELEGRAPH DEPTT
Application form for allotment of residential (departmental staff
quarters) commencing from first April _____

Part I

(To be filled in by officers)

1. Name in block letters _____
2. Qualifying appointment held _____
3. Class to which entitled (Type A, B, C, D) _____
4. Particulars of the permanent post, if any held by the officer substantively _____
5. Date of posting at the station _____
6. Priority date (see foot note i. e. dt. of entry in the Deptt) _____
7. Emolument on 1st April of the year _____
of the applicant (a) Basic pay _____
(b) Special pay _____
(c) Total pay _____
8. The date from which the emoluments as at above are being drawn _____
9. Particulars of Govt residence allotted on the date of application _____
10. Source from which the pay is drawn _____
- For Officers not allotted any Govt Accommodation
11. Particulars of residence Govt or private occupied on the date of application _____
12. Whether the officer is entitled to rentfree? _____
13. Whether the officer has a family or is single _____
14. Has the officer any pending application _____
15. Application checked and necessary entries made in the Waiting List _____
16. Dt initial of OA _____ Particulars of the residence allotted _____
Dt Initials of S.O. _____
17. If the officer has family, details of members of the family including self be given _____
18. SN Name of family member Age Relationship Profession Whether entirely dependent _____



17. Date from which accommodation is required _____
18. Whether furnished or unfurnished accommodation is required _____
19. Particulars of residence and locality, 1. _____
desired in order of preference, if any 2. _____
20. Whether the officer would accept a quarter even at a distance of more than 5 miles from duty place? _____
21. Whether the officer, his wife/his husband/children own a house within 3 miles radius of duty place _____
22. Whether the officer is debarred from Govt accommodation, if so state period _____
23. Please state the reason for the change of residence _____

If the officer has not so far been allotted a 1. _____
change of residence and desires same. Pre- 2. _____
ference may be indicated 3. _____
(The certificate below is required only in the case of temporary Govt servants who have already been allotted Govt residence against the production of a surety bond from a permanent Govt servant)

Certified that Sri _____ (name in block letters)
is still in permanent Govt service under the Govt of India

Signature _____
Designation _____
Office _____

NB: No application of any temporary Govt servant who has been allotted a Govt residence should be forwarded to the allotting authority unless this clause has been filled in. In case the officer now filling the col. is different from one who stood surety for the applicant officer, fresh surety bond duly executed should be sent along with the application form.

TO BE COMPLETED BY THE COMPETENT AUTHORITY UNDER WHOM THE OFFICIAL IS WORKING

Certified that Sri _____ (Designation) _____
office of the _____ is working in the Department
continuously w.c.f. _____ He is holding temporary/permanent/qp
post in the post _____
at _____
the _____

Signature _____
Designation _____
Seal _____

DECLARATION

Certified that I have read the rules governing the allotment of new residence in _____ as amended from time to time till date and declare that particulars given by me above are correct and that the allotment to be made to me or already made to me shall be subject to these rules and subsequent amendments, if any, th. oco, I also undertake not to sublet the residence wholly or in part without the prior approval in writing of the _____ When the residence is no longer required by me or I cease to be entitled to it I shall be responsible for handing over its vacant possession to the _____ and until such vacant possession is delivered, rent and other charges in respect of the residence shall be recoverable from me

Signature _____
Designation _____

at _____

Office to which attached

TO BE COMPLETED BY APPLICANT'S ADMINISTRATIVE OFFICE
_____ Lucknow. The facts stated in the application have been verified. The applicant is likely to be on duty in the _____ for the greater part of the year

Signature _____
Designation _____
Office seal _____

THE FOLLOWING INFORMATION IN RESPECT OF OFFICERS WHO HAVE BEEN RETAINED FOR THE MAXIMUM SERVICE OUTSIDE PRIOR TO THEIR PRESENT DATE OF POSTING SHOULD BE COMPLETED BY THE APPLICANT'S HOME OFFICE

Certified that Sri _____ was on duty in _____ for the following period to his present posting in _____
on _____ on _____
Date from _____ to _____ on _____
Date from _____ to _____ on _____
The above period of service subject to the rules have been taken into account for arriving at the priority date in item 4 in part I above

Signature and Designation _____
Office seal _____

NB 1. Priority date: subject to note 2 below shall be the date from which that officer has been continuously holding a qualifying appointment in _____ except for periods of leave

2. Capping of previous service: An officer referred to _____ is permitted to cap his previous period of qualifying service in _____ for the purpose of qualifying appointment, provided the maximum break in service outside _____ as the case may be does not exceed a continuous period of 5 years prior to his present date of posting

RENT AND CONDITION

1. The monthly rent charged from each occupant of the quarter will be in accordance with the current P&T rules on the subject and the amendments issued from time to time
2. The recovery of the rent will normally be made monthly by _____

deductions to the paybills of the occupants

3. The recovery of rent will start from the date of occupying the quarter or from the 5th day after the date of allotment has been read by the official whichever is earlier

4. Allotment of residence to any occupant will cease when he is transferred. In exceptional cases retention of quarters can be allowed for a period of 3 months after the date of transfer with the approval of controlling officer.

5. If the quarter is not vacated after the receipt of written cancellation of allotment order, penal rent will be recovered in accordance with PH 45 B

6. In case the occupants of any quarter retires, or resigns or is dismissed or removed from service the allotment will stand cancelled from the date that such retirement, resignation, dismissal or removal comes into effect. The allotment will however be permitted to retain the quarter for a further period of one month with the prior approval of the controlling officer

7. In case of the death of the allottee, the allotment of the residence will stand cancelled with effect from a month from the date of death or with effect from any date after death on which the residence is actually vacated whichever is earlier

8. The quarter shall not be sublet or used for some other purpose than residence by the Govt servant or bona fide members of the family or for short duration by guests

9. A complete inventory of the fittings and fixtures will be signed by the allottee both at the date of occupation and on vacation and any alterations during the period of his occupancy

10. No alterations or additions will be made in the quarter by the allottee without the written prior permission and approval of the controlling officer

11. Trees or plants, shrubs in the premises should be allowed to be cut or damaged in any way

12. Allottee will be responsible to maintain the residence and the premises in neat and clean conditions

13. Allottee shall not keep any domestic animals such as horses, buffalows, goats, pigs, sheep, dogs, cats etc. or poultry such as chicken, fowls, ducks or any other birds without the prior permission and consent of the controlling officer

14. The electric charges depending upon the meter readings fitted in the premises of the occupant together with connected charges will be paid by him as per procedure decided by the controlling officer.

15. The occupant will accept and abide by any other terms and conditions laid down by the department from time to time.

DECLARATION

I, _____ do hereby declare that the terms and conditions noted above have been carefully read by me/explained to me. I shall abide by them. In case of non-observance of any terms and conditions noted above, the allotment of quarter in my possession is liable to be cancelled

Witness

Signature

Designation

Office to which attached

Signature

Designation

Office to which attached

TO BE OBTAINED FROM HOUSE OWNING OFFICERS - PROFORMA

1. I, _____ hereby declare that a house at the place of my residence is owned by the person indicated against item 3 below.

2. Particulars of the house are given below

3. House is owned by me/my wife/dependent/child or in the name of _____

Particulars of Govt residence, if any, allotted to be are:

1. _____

2. _____

High Court Quarters

Sl. No. 89/150

To be filled in by the Administrative Section of the officer

at the _____

Forwarded to the _____ for further necessary

action at his _____

Signature

Designation

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

CIVIL MISC. APPLICATION NO 592 / OF 1933 90

On behalf of Respondents:

IN

Registration no. 274 of 1933/

R.K.Verma Applicant

Vs.

The Union of India & others..... Respondents.

To

The Hon'ble the Vice-Chairman and his
other companion Members of the aforesaid Tribunal.

The humble application on behalf of the
respondents Most Respectfully Showeth as under:-

1. That the aforesaid petition relates to government accommodation and the counsel for the Union of India-respondents Shri K.C.Sinha raised preliminary objection about the maintainability of the aforesaid petition.
2. That the All-Standing Counsel Shri K.C.Sinha also filed Vakalatnam on behalf of the respondents.

lg

Shri A.C. Pandey
ls
24/3

respondents.

3. That this Hon'ble Tribunal has also issued notice to the respondents to show cause as to why the petition be not admitted.

4. That in order to comply the orders of this Hon'ble Tribunal, copies meant for the respondents be directed to be issued to counsel for the respondents, so that compliance may be done within stipulated period.

P R A Y E R

It is, therefore, prayed that this Hon'ble Court may kindly be pleased to issue necessary directions to the office to issue the copies meant for the respondents to K.C.Sinha, for the respondents.

Handwritten signature of K.C. Sinha
(K. C. SINHA)
Advl. Standing Counsel,
Counsel for Respondents.

Handwritten notes: It is prayed as prayed. 26.4.

Dt/- _____/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALHABAD

O.A. Regd. No. 274 of 1988

M.K. Verma

versus Union of India & Others

REJOINDER

Applicants' comment on each Para of Reply affidavit filed by the learned respondents is as follows. The paras requiring no comment have been omitted.

1, Contents of paras 1, 2, 3, 4, 5, 6 & 7 of the Reply affidavit are not admitted in view of what is stated in para 8 of the same by the learned respondents.

2) Contents of para 8 are admitted since that the applicant has not been disturbed, and he, therefore, prays that the case may kindly be decided in the light of respondents own endorsement, dt. 18.3.85 at Annexure A-1 of the paper book Application.

IN VERIFICATION

I, M.K. Verma, the applicant do hereby verify that the contents of paras 1 & 2 above are true to the best of my knowledge and belief. Nothing material has been omitted.

Dt. 10.1.1991

21/1/91

Rejoinderist

(M.K. VERMA)
Advocate for the Applicant

19/1/91

No 274 of 1988

GET Lucknow

Copy

R. K. FEWARI

Advocate

154, Purshottam Nagar

(Khandua)

Allahabad-16



Application Under Section 19 of Administrative Tribunal

Act, 1985

Filed on 17-2-1986

Regn. No. 274/1 1986

Signature of DA(T)

In the Central Administrative Tribunal All India-1

Between

Shri Krishna Verma - - - - - Applicant

And

1. DET Lucknow
 2. Estate Officer
Office of DET Lucknow
 3. GMP UP Circle, Lucknow
- - - - - Respondents

A. S. S. A.

Sl. No.	Particulars of Documents	Page No.
1.	Application	2 to 5
2.	A I DET(T) Registered Document No. H-3/42 dt. 23.3.85	6
3.	A II Application dt. 28.3.85	7
4.	A III DET Lucknow order dt. 2.6.86	8
5.	A IV Estate Officer's No. Reg/1/70/5 dated 27.10.85	9
6.	A V Appeal dated 10.11.85 to DET	10-11

(Advocate)
Advocate
104, Purnachand Nagar
Lucknow
110002-16

21/11/86

Details of Application

1- Particulars of the Applicant :-

- (i) Name of the Applicant
- (ii) Father's Name
- (iii) Designation &
Office in which employed
- (iv) Office Address
- (v) Address for service
of all notices

2- Particulars of the Respondents :-

- (i) Name &/Or Designation
- (ii) Official Address
- (iii) Address for service
of all notices

3- Particulars of the order against which application is made :-

- (i) Order No.
- (ii) Date
- (iii) Passed by
- (iv) Subject in brief

4- Jurisdiction of the Tribunal

The applicant declares that the subject matter of the order against which he wants redressal is within the Jurisdiction of the Tribunal.

5- Limitation

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunal Act, 1985.

6- Facts of the case

The facts of the case are given below :-

21/10/2005

21/10/2005

- (i) The applicant is a lineman under the Sub-divisional Engineer (Telegraphs) Faizabad. He is also an allottee of one Type I Quarter in Telephone Exchange Compound Faizabad free of rent. He was temporarily transferred to Akberpur (Faizabad) for a very short period of 10 months and 17 days viz. from 29.5.82 to 16.4.83. During the said temporary transfer the applicant kept his family at Faizabad and retained the possession of the said quarter under verbal permission of the learned respondent No. 1. SDO (T) Faizabad.
- (ii) For a very short period (say hardly for 2½ months) during February 85 to April 85 one Shri B.B. Tripathi another lineman who was homeless was permitted to stay with the applicant in the said quarter purely as a guest. No rent (in cash, kind or service) was charged by the applicant from the said Shri Tripathi. Unfortunately Shri Tripathi tried to get the said quarter allotted in his name by divesting the applicant from its ownership. However after a struggle Shri B.B. Tripathi ultimately vacated the quarter in April 1985 since when the applicant is occupying the quarter legally and also physically. This fact will be made quite clear from SDO (T) Faizabad Memo. No. 103/42 dated 18.3.85 Ann. A1 on page 6 and applicant's letter dated 28.3.85 as Ann. A11 on page 7.
- (iii) Although everything has been stated the learned DET Lucknow without any rhyme or reason or even without offering any opportunity to the applicant for his defence imposed upon the applicant a penal fine of Rs. 40/- (amounting to Rs. 183/-) w.o.f. 18.6.82 vide his Memo No. Adg-107/A.Allot/Fy/84-85/33 dated 2.6.1983 Ann. A11 on page 8.

Signature

21/11/85

- (iv) Over and above the learned Estate Officer of the office of G.M. Lucknow vide his No. Edg/4/70/5 dated 27.10.86^(Ann. IV) has also evicted the applicant from the said Quarter.
- (v) The applicants made a representation to the learned G.M. Lucknow on 10.11.86 for setting aside the two orders passed by the learned D.M. Lucknow and the Estate Officer. His order, Lucknow vide Ann. IV on page 16. But as he failed to get any response he is submitting this application to the Hon'ble Tribunal for their kind intervention.

7. Reliefs sought for :- In view of the facts narrated in para 5 above the applicant prays for the following reliefs :-

- (i) The order dated 2.6.85 (at Ann. XIII on page 8) passed by the learned D.M. Lucknow and that dated 27.10.86 (at Ann. IV on page 16) passed by the learned Estate Officer may both be set aside.
- (ii) The penal rent already realised from the applicant may be refunded to him and he may be allowed to continue living in the quarter in which he is already living.
- (iii) He may further be allowed the cost of this suit together with all other relief is deemed fit by the Hon'ble Tribunal,

8. Interim Order if any prayed for :-
Pending finalisation of this application the respondent may be directed not to recover any more penal rent from him.

R. S. Chandra

21/11/86

8- Interim order, if prayed for— NIL

9- Details of the remedies exhausted

The applicant declares that he has availed of all the remedies available to him under relevant service rules—

He has been in service of the Government of India since 1941 and has been promoted to the post of Joint Secretary to Government of India in 1961. He has been in service of the Government of India since 1941 and has been promoted to the post of Joint Secretary to Government of India in 1961.

10- Matter not pending with any other court etc. :-

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law, or any other authority or any other bench of the Tribunal.

11- Particulars of the Postal Order in respect of the application fee :-

- (i) No. of I. P. O. 100/100000
- (ii) Name of Issuing P. O. 100/100000
- (iii) Date 10/10/60
- (iv) P. O. at which payable Allahabad H. P. O.

12- Index- An Index of the documents to be relied upon is enclosed with each copy of this application

13- List of enclosures :-

- (i) Vakalatnama
- (ii) one I. P. O. for Rs. 50/-
- (iii) 100 documents to be relied upon

In Verification

I, S/O Shri [Name] aged 60

years R/O [Name] and working as [Name] do hereby verify that the contents from 1 to 13 are true to my personal knowledge & belief and that I have not suppressed any material facts.

Place- Allahabad

Date 10/10/60.

To

The Registrar, Central Administrative Tribunal,
Allahabad-211001

Signature of applicant

[Signature]
L. K. TEWARI

Advocate

154, Purnima Nagar

(K. L. Tewari)

Allahabad-16

पत्र-व्यवहार-22

Corr.-22

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

पत्र देते समय उपाय

निम्न संदर्भ दें

In reply

Please quote

प्रेषक

From

मुम्बई का पोस्टल ऑफिस

पत्र नं. 3/42 दिनांक 18-3-35

कम संख्या

No.

पत्र-3/42

दिनांक

Dated at

18-3-35

SUBJECT

श्री गुरुजी मठ की स्थापना

पत्र नं. 3/42 दिनांक 18-3-35 का उत्तर

श्री गुरुजी मठ की स्थापना के संबंध में आपकी पत्रिका में प्रकाशित पत्रिका को पढ़ा है। पत्रिका में जो बातें लिखी हैं वे सत्य हैं। मैं भी इस बात से सहमत हूँ कि श्री गुरुजी मठ की स्थापना के लिए जो प्रयास हो रहे हैं वे सही हैं। मैं भी इस प्रयास में सहयोग देने का इरादा रखता हूँ।

आपकी पत्रिका में जो बातें लिखी हैं वे सत्य हैं। मैं भी इस बात से सहमत हूँ कि श्री गुरुजी मठ की स्थापना के लिए जो प्रयास हो रहे हैं वे सही हैं। मैं भी इस प्रयास में सहयोग देने का इरादा रखता हूँ।

आपकी पत्रिका में जो बातें लिखी हैं वे सत्य हैं। मैं भी इस बात से सहमत हूँ कि श्री गुरुजी मठ की स्थापना के लिए जो प्रयास हो रहे हैं वे सही हैं। मैं भी इस प्रयास में सहयोग देने का इरादा रखता हूँ।

उप मन्त्रालय अधिकारी वरिष्ठ फैजाबाद
S. D. O. Telegraphs, Faizabad.

श्री गुरुजी मठ की स्थापना के संबंध में आपकी पत्रिका में प्रकाशित पत्रिका को पढ़ा है। पत्रिका में जो बातें लिखी हैं वे सत्य हैं। मैं भी इस बात से सहमत हूँ कि श्री गुरुजी मठ की स्थापना के लिए जो प्रयास हो रहे हैं वे सही हैं। मैं भी इस प्रयास में सहयोग देने का इरादा रखता हूँ।

आपकी पत्रिका में जो बातें लिखी हैं वे सत्य हैं। मैं भी इस बात से सहमत हूँ कि श्री गुरुजी मठ की स्थापना के लिए जो प्रयास हो रहे हैं वे सही हैं। मैं भी इस प्रयास में सहयोग देने का इरादा रखता हूँ।

आपकी पत्रिका में जो बातें लिखी हैं वे सत्य हैं। मैं भी इस बात से सहमत हूँ कि श्री गुरुजी मठ की स्थापना के लिए जो प्रयास हो रहे हैं वे सही हैं। मैं भी इस प्रयास में सहयोग देने का इरादा रखता हूँ।

18-3-35

Signature

उप मन्त्रालय अधिकारी वरिष्ठ फैजाबाद
S. D. O. Telegraphs, Faizabad.

- 1 -
Annexure A II

श्रीमान्,

उप मण्डलीय अधिकारी,
तार फैलाबाद ।

सेवा में,

सविनय निवेदन है कि आपके माध्यात्मिक कार्यालय में मेरे भद्र सख्ख्या एच० ३/४२ दिनांक १८-३-३५ के अनुसार प्रार्थी श्री जी० बी० क्रिमाणी ने याद करवा कि भारतीय राज्य का भूत परेशान कर रहे हैं कि एम [बी० बी० क्रिमाणी] जिस क्वार्टर में रहते हैं वहां परेशान करने में उन्हें उससे से निजाम दिया है इसलिए लाभ सामान रखने के लिए क्वार्टर में जगह के दो प्रार्थी ने जोड़ीदारों के भारी सामान रखने के लिए क्वार्टर में सामान रखने के लिए जगह से दिया है। २०-३-३५ श्री जी० बी० क्रिमाणी को क्वार्टर में जाने जाने का साधन बन गया ।

प्रार्थी ने अपने क्वार्टर में कुछ सप्ते कागज पर लिखे हुए वरने अपने निजी कार्य के लिए रखा था। तथा साथ में कुछ सामान्य नगर भी थे । उसने श्री जी० बी० क्रिमाणी ने पूरा लिखाई वन्हीं प्रकार हुए कागजों के वल पर जी० बी० क्रिमाणी प्रार्थी के लिखाई लिखा वही वर कर दिये हैं और वन्हीं देते हैं कि मैं आपसे क्वार्टर करासा कर हूँ और यदि क्वार्टर नहीं छोड़ते तो मुझे और मुझसे वन्हीं को जान दे मरवा ठाकुरा और वन्हीं हैं कि क्वार्टर प्यारा है ।

तब: श्रीमान् जी से प्रार्थना है कि श्री जी० बी० क्रिमाणी को प्रार्थी को परेशान कर रहे हैं उन्हें लोका जाये । और उनके सामान विभागीय उचित कार्यवाही की जाये तथा श्री क्रिमाणी निम्नलिखित कर किसी प्रकार की निगा पही करे वह लोका जाये ।

श्रीमान् जी अपने क्वार्टर में मेरे भाग एच० ३/४२ के तबो में अपने बच्चों के साथ वही क्वार्टर में रह रहा है और भविष्य में भी इस क्वार्टर में रहने की अति आवश्यकता है । क्योंकि मेरा बच्चा का नाम वन्हीं ९ में जी० बी० क्रिमाणी [गर्वनेट हण्टर कालेज] में पढ़ता है और वही क्वार्टर में रहता है ।

TRUE COPY

प्रार्थी:

तिथि:- 28-3-35 (R. H. Tewari Advo.)

[[राम कृष्ण वर्मा]]
चैन्सेल फोन्स,
फैलाबाद ।

-8-
American Art

10. Ho. Rd. 107/0- 11/0/0

•

1

(H.C. #17000)

UNITED STATES OF AMERICA
- COURT REPORTER -
IN AND FOR THE DISTRICT OF COLUMBIA

Deputy

DEPARTMENT OF INDUSTRIES
OFFICE OF THE C.M. THE C.M. U.P. CIRCLE LUCKNOW.

FORM 'B'

Order under Sub-Section(1) of section 5 of the Public Premises
(Eviction of Unauthorised Occupants) Act, 1971.

To,

Shri Ram Krishan Verma
Lane Man C/o S.D.O.T.
Faizabad.

No. Bdg/E/70/5

Dated at Lucknow 27.10.82.

ORDER

Where as I, the undersigned, am satisfied for the reasons
recorded below that Shri Ram Krishan Verma, L/M is in unauthorised
occupation of the Public Premises specified in the Schedule below:-

REASONS

Because Shri Ram Krishan Verma was transferred from
Faizabad to Akharapur on 29.5.82 and his failure to vacate the
departmental quarter allotted to him within the prescribed limit
of two months with effect from 29.5.82 i.e. by on or before
29.7.82 is unauthorised.

Now, therefore, in exercise of the powers conferred on me under
Sub-Section (1) of Section 5 of the Public Premises (Eviction of
Unauthorised occupants) Act, 1971, I hereby order the said Shri
Ram Krishan Verma and all persons who may be in occupation of
the said premises or any part thereof to vacate the said
premises within fifteen days of the date of publication/
receipt of this order. In event of refusal or failure to
comply with this order within the period specified above, the
said Shri Ram Krishan Verma and all other persons concerned
are liable to be evicted from the said premises, as need be by
the use of such force as may be necessary.

Schedule

Official quarter type I situated at P.M. compound
Faizabad in unauthorised occupation since 29.7.82.

27.10.82
27.10.82
Entered

O/o C.M.T. U.P. Circle
Lucknow

TRUE COPY

R. L. Tewari Advd

90-99-753

To,

The G.M.T.
U.P. Circle Lucknow

Through: Proper Channel

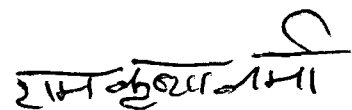
Subject :- Appeal against the order of imposing penal rent of 40% by the learned DAF Lucknow and cancellation of allotment of Type 1 Quarter in its Compound Faizabad of which the appellant was a allottee copies enclosed.

Sir,

The appellant is a lineman. He is also an allottee one Type 1 Quarter in its Compound Faizabad (free of rent). The appellant was temporarily transferred from Faizabad to Akberpur for a short period of 10 months and 17 days viz. from 29.5.32 to 16.4.33. He retained the quarter with him and kept his family in the same. This was done under the verbal orders of SDO(2) Faizabad who vide his endost no. H-3/42 dated 18.3.35 (copy enclosed) regularised the affair.

The appellant had permitted one Shri S.D. Tripathi a lineman to stay with him free of rent, he made a of the case and tried to get the quarter allotted in his name. However he vacated it in April 1935 since when the applicant had been occupying the quarter legally and physically.

But notwithstanding the above facts the learned DAF Lucknow has imposed a penal rent of 40% on the appellant vide his order no. Bdg-107/Cr.Allott/By/H-85/33 dated 2.6.36 without any rhyme or reason and the learned Estate Officer of your office has altogether evicted the appellant from his said quarter.



-11-
-2-

P R A Y E R

It is, therefore, humbly prayed that the said two orders may kindly be quashed and the licensee D may further be directed to refund the penal rent already recovered by him.

Dated: 10.11.86

For the Plaintiff

By _____

For the Defendant
By _____

21/11/86

IN THE CHIEF JUSTICE'S CHAMBER

A PETITION FOR WRIT OF HABEAS CORPUS

.....

CIVIL NO. 10.000 OF 1990

OF 1990

ON BEHALF OF

UNION OF INDIA & OTHERS.

VERSUS
THE PETITIONER.

II.

RESOLUTION NO. 274 OF 1988

Mr. Nishan Verma

Applicant

VERSUS

Union of India & others.

Respondents

20

The learned Hon'ble Chairman and his
Companion Members of the Hon'ble Tribunal.

The humble application of the abovesaid
most respectfully states:

1. That in view of facts and circumstances
stated in the accompanying counter affidavit, it is
in the interest of justice that the reliefs claimed
by the petitioner are rejected.

64

2.

PRAYER

As MIC 2, this Hon'ble Bench and
kindly be pleased to reject the reliefs
as claimed by the petitioners, otherwise the
respondents would suffer an irreparable loss.

LC - 20/8/90

Chakr

(Sd. Chakr)
JUDGE, DISTRICT COURT
GURGAON.
COURT OF DISTRICT JUDGE, GURGAON.

IN THE CHIEF ADMINISTRATIVE MAGISTRATE

ADDITIONAL OFFICE : RAIPUR, M.D.

.....

COUNTER AFFIDAVIT

ON BEHALF OF THE RESPONDENTS

IN

REGISTRATION NO. 274 of 1980

Ram Kishan Verma

.Applicant

Versus

Union of India & others.

.Respondents.

Affidavit of J. N. Singh
aged about 57 years, s/o late Mr. Singh
posted as Sd/-, Raipur
(Deponent).

I, the Deponent abovesaid do hereby
solemnly affirm and state on oath as under :

1- that the Deponent is

and has been

authorised to file this counter affidavit on behalf
of respondents and is well acquainted with the facts
deposed to below.

[Signature]

2.

2- That the Deponent has read the petition and has understood the contents therein fully and he is in a position to reply the same.

3- That before giving peremptory reply to the petition, the following facts are asserted in order to facilitate this Hon'ble Tribunal in administering justice :

a/- That the petitioner was a Line Man, Telegraphs, Raizabad and was allotted one type 1 quarter at Telephone Exchange Compound, Raizabad w.e.f. 1st November, 1969. 1977.

b/- That the petitioner was transferred from Raizabad to Akbarpur by the Sub-Divisional Officers, Telegraphs, Raizabad on 23rd May 1982 and he joined at Akbarpur on 6th July 1982.

c/- That during the course of stay at Akbarpur, the petitioner did not vacate the quarter which was allotted to him at Raizabad.

d/- That the petitioner was again transferred from Akbarpur to Raizabad and he resumed his duties as Line Man at Raizabad on 16-4-83.

4.

h/- That in this connection, a letter was also written by the petitioner, which has been produced by the Shri M. S. Aripathi only then he made an application for allotment and photostat copy of the letter dated 5.7.82 of the petitioner is enclosed herewith CA-2. and marked as Annexure CA-2 to this affidavit.

i/- That when all these things came to the knowledge of Telecom Engineer, Pilibad, the petitioner was held unauthorized occupant of the departmental quarter from 18th June 1982 and he had automatically ceased to be allottee of the quarter from the date of joining at Akbarpur.

j/- That on 8th December, 1986, the Estate Officer issued another letter addressed to M.S.O. Pilibad through which the Estate Officer again insisted for eviction of the petitioner from the said quarter. A photostat copy of the letter is enclosed CA-3. herewith and marked as Annexure CA-3 to this affidavit.

k/- That order of recovery for penal rent at the rate of 10% of the basic pay was ordered by the M.S.O. Lucknow dated 2.6.88 and to vacate the quarter with immediate effect, copy of which has been

Amth

5.

filed as Annexure A-3 to the petition. The petitioner made an appeal to the District Officer, Office of C.M.T. U.P. Circle, Lucknow, which was turned down and he has been ordered that the departmental mess quarter type-I situated at Telephone Compound, Dehlabad is unauthorised occupation and the S.D.O. Telephone was ordered to take possession of the said quarter even with the help of Police.

1/- That in view of aforesaid facts, it can not be said that the petitioner was not given any opportunity to have a say in the matter.

n/- That in order to facilitate this Hon'ble Tribunal, relevant government order as well as Rule for allotment of official quarter are annexed herewith and marked as Annexure CA-4 and CA-5 to this affidavit CA-4&5.

4- That the contents of paragraphs 1, 2, 3, 4 and 5 of the petition need no comment.

5- That in reply to contents of paragraph 6(1) of the petition, it is submitted that transfer order from Dehlabad to Meerut was not temporary, but it was a regular transfer order, though he was

[Signature]

6.

again transferred in the month of April 1983 from Akbarpur to Faizabad, but the fact remains that the said transfer order was not at all temporary. The sub-Divisional Officer has, as referred in paragraph under reply, has never given any verbal order to retain the possession of the departmental quarter to the petitioner during his stay at Akbarpur.

6- That the contents of paragraph 6(ii) of the petition are not correct, as stated. It is further stated that period of residing in the quarter by Shri B.D.Tripathi, given by the petitioner is wrong. Shri Tripathi given his remarks that he is residing in the quarter from 5.7.82 to April 1985 and the petitioner has given remarks that Shri B.D.Tripathi Lineman is trying to vacate Shri A.K.Verma Lineman since one year. No body can allow another official for more than two and half years without obtaining any rent (in cash/kind/service). It is presumed that the petitioner was being paid any rent, howsoever, by Shri B.D.Tripathi.

auth.

7.

7- That the contents of paragraph 6(iii) of the petition are not correct and as such are denied. It is further submitted that question of giving an opportunity arises when a person is entitled to retain the said quarter legally, but in the present case, since the petitioner was residing in the quarter unauthorisedly and as such necessary action was taken and before taking necessary action, there is no requirement in law to give any opportunity.

8- That the contents of paragraph 6(iv) of the petition are matter of record and as such need no comment except that ^{before} before proceeding/the Estate Officer, the petitioner was given an opportunity departmentally, which has been filed as Annexure A-3 to the petition, and copy of said order dated 2.6.66 was also addressed to the petitioner as well as to the Estate Officer.

9- That the contents of paragraph 6(v) of the petition need no comment.

10- That in reply to contents of paragraphs 7 and 8 of the petition, it is submitted that in view of facts and circumstances stated above, the

Amph

8.

petitioner is not entitled to any relief as prayed in the paragraphs under reply. The petition is devoid of merit and is liable to be rejected.

11- That the contents of paragraphs 8, 10, 11 and 12 of the petition need no comments.

That the contents of paragraphs 1 and 2 of this affidavit are true to my personal knowledge; those of paras 3 to 9 and 11 are based on record/ informations and those of para 10 are based on legal advice, which all I believe to be true. No part of it is false and nothing material has been concealed in it.

SO SWEAR AL COED.

[Signature]
DEPONENT.

I.

declare that the person making this affidavit and alleging himself to be the deponent is known to me personally.

[Signature]
INTERVIEWER.

9.

solemnly affirmed before this Day
of July 1990 at [redacted] by the [redacted] who is
identified by the aforesaid clerk.

I have satisfied myself by examining
the Deponent that he understands the contents of
this affidavit which has been read over and explained
to him.

[Handwritten signature]

U. S. DEPARTMENT OF JUSTICE

सेवा में -

✓ श्री मान मण्डलीय अधिकारी : तार :

खनऊ ।

द्वारा -

उप मण्डलीय अधिकारी : तार :

पंजाबाद ।

महोदय -

विनम्र निवेदन है कि प्रार्थी पंजाबाद में लॉर्डन भवन के पद पर कार्यरत है। प्रार्थी हैड पीस्ट ऑफिस पंजाबाद कैंपाउण्ड में स्थित विमानीय क्वार्टर जिसे श्री राम कृष्ण वर्मा लॉर्डन भवन कहते थे, में जून सन ८२ से रह रहा है। श्री राम कृष्ण वर्मा जून ८२ में ही दि० २३-६-८२ को पत्रांक ३० म० अ० : तार :

सं० ६ - ४६२ दिनांक २३-६-८२ द्वारा अक्बर पुर हस्तान्तरित हो गये थे उनके हस्तान्तरण के पश्चात् श्री मान जी की संवर्धित पत्र दि० ६-७-८२ द्वारा श्री राम कृष्ण वर्मा ने श्री मान जी के गान होठे व उन्में प्रार्थी के रहने की बात की पुष्टि करके उक्त क्वार्टर के गान वज कराने की प्रार्थना की थी जिसकी एक फोटो कापी इस प्रार्थना पत्र के साथ श्री मान जी की अवलोकनाधी प्रस्तुत की जा रही है। जबसे वर्मा जरीकल पुनः पंजाबाद आ गये हैं और अपने शक्ति पैसा व गौतम एवं साक्षात् साधियों की साथ प्रार्थी के उक्त क्वार्टर पर पुनः कब्जा करना चाहते हैं।

निधित ही निम्नार्थी उक्त क्वार्टर पर सत्तालीन य० अ० अ० : टी : की मी लिंक अनुमति व श्री राम कृष्ण वर्मा की सहमति से का विज एवा तथा अपने परिवार के साथ रह रहा है

दीप्ता

2-11-11

अभिमान माण्डूकीया अभिधानां तात्

१२०११३

निष्कर्ष = २४ वा ३१ मार्च १९२८ ला लोकदलका निष्कासन

श्रीमान् श्रीमान् श्रीमान्

इस प्रकार के न्याय के लिए हमें एक नया कानून बनाना होगा

प्राचीन नाम सार्वभौमिकता

प्राचीन का इतिहास प्राचीन का इतिहास

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पत्र संख्या ज. ६-४१६२ दि. २३-६-४०

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किसी प्रकार साय म हल जाल की बुझा भूषण

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ॐ नमो भगवते वासुदेवाय

प्रतिनिधि आरक्षण माहिती नवी

[illegible]

(३) श्रीमान् निदेशक, होप शान्ति कृष्ण जमा

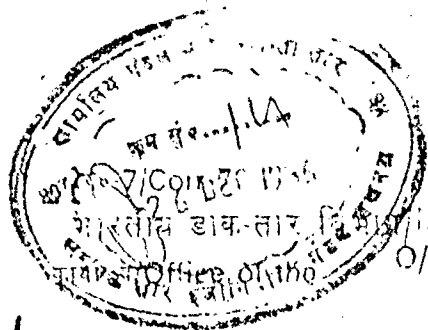
15. 2. 1944. 1944.

॥ श्रीगणेशाय नमः ॥

१०१०२ ५२

१५-६-२२

— 10012



INDIAN P & T DEPARTMENT
O/o the General Manager Telecom
U. P. Circle, Lucknow-226001

Shri B.D. Singh

S.D.O.T.

Faizabad

Dated at Lucknow 18-12-86

HC.Bdg/E/7015

Subj - Unauthorised occupation of
departmental quarter type I at T.E
compound Faizabad by Shri R.K.
Verma 2/M of S.D.O.T.

Kindly refer to this office letter No
own dated 20-11-86 on the above noted
subject and intimate whether the quarter
has been vacated by the above officer or
not. If not take immediate n/a to get
the quarter vacated by the help of police
force and report compliance.

This may be treated as most urgent
Please.

ESTABLISHMENT OFFICER

O/o the General Manager Telecom

U. P. Circle, Lucknow-226001

Copy to D.E.T. Lucknow for information
with reference to his letter No Bdg-107/qua
Alotment/Faizabad/16 dt. 3/12/86.

[Handwritten signature]

special cases, be allowed by the allotting authorities to retain a residence on payment of twice the standard rent under F.R. 45-A or twice the pooled standard rent under F.R. 45-A if the rent has been pooled, whichever is higher, for a period not exceeding six months beyond the permissible period mentioned in the table below sub-rule (2).

(iv) This rule will not apply to general service officials who are entitled to rent free quarters as a condition of service or house rent allowance in lieu thereof nor to those officers who have been allotted quarters attached to their posts in the interest of service.

33. The officials who are allotted quarters attached to their posts on payment of rent under F.R. 45-A may be allowed to retain the same during leave and on transfer as under:-

(i) During leave: The official may be permitted to retain the quarters during leave for a period not exceeding two months on payment of normal rent. Beyond the period of two months the official may be permitted to retain the quarters on payment of normal rent, upto maximum of four months if the Head of the Circle considers that there are sufficient reasons for the retention of the quarters, when he may permit their retention upto four months.

✓ (ii) On Transfer: The official may not be permitted to retain the quarters at old station beyond the period of joining time. In exceptional cases the official may be permitted by the Head of Circle to retain the quarters at the old station for a period not exceeding two months from the date of relief at the old station on payment of normal rent provided:-

- (a) the quarters are required for the bonafide use of the official or his family;
- (b) The quarters are not required by the substitute during the period.

The official may be allowed to draw house rent allowance as admissible at the new station or occupation of quarter attached to the post

Contd....

*Not met
for permissible
rent*

RETENTION OF
QUARTERS ATTACHED
TO POSTS, DURING
LEAVE AND TRANSFER

INDIAN POST AND TELEGRAPH DEPTT
Application form for allotment of residential (departmental staff
quarters) commencing from first April _____

Part I

(To be filled in by officers)

1. Name in block letters _____
2. Qualifying appointment held _____
3. Class to which entitled (Type A, B, C, D) _____
4. Particulars of the permanent post, if any held by the officer substantively _____
5. Date of posting at the station _____
6. Priority date (see foot note i.e. date of entry in the Deptt) _____
7. Emolument on 1st April of the year _____
(a) Basic pay _____
(b) Special pay _____
(c) Total pay _____
8. The date from which the emoluments as at above are being drawn _____
9. Particulars of Govt residence allotted on the date of application _____
10. Source from which the pay is drawn _____
11. Particulars of residence Govt or private occupied on the date of application _____
12. Whether the officer is entitled to rentfree? _____
13. Whether the officer has a family or is single _____
14. Application checked and necessary entries made in the Waiting List _____
15. Initial of OA _____ Particulars of the residence allotted _____
Dt initials of S.O. _____
16. If the officer has family, details of members of the family including self be given _____
17. Name of family member Age Relationship Profession Whether entirely dependent _____

1
2
3
4
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7
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9

17. Date from which accommodation is required _____
18. Whether furnished or unfurnished accommodation is required _____
19. Particulars of residence and locality _____
desired in order of preference, if any _____
20. Whether the officer would accept a quarter even at a distance of more than 5 miles from duty place? _____
21. Whether the officer, his wife/her husband/children own a house within 6 miles radius of duty place _____
22. Whether the officer is detached from _____
Govt service, if so state period _____
23. Filled by _____ who wants change of residence _____

24. If the officer has not so far been allotted a _____
change of residence and desires same. Preference may be indicated _____
1 _____
2 _____
3 _____
- (The certificate below is required only in the case of temporary Govt servants who have already been allotted Govt residence against the production of a surety bond from a permanent Govt servant)

g. m. p.

Certified that Sri _____ (name in block letters)
is still in permanent Govt service under the Govt of India

Signature _____

Designation _____

Office _____

NB: No application of any temporary Govt servant who has been allotted a Govt residence should be forwarded to the allotting authority unless this clause has been filled in. In case the officer now filling the col. is different from one who stood surety for the applicant officer, fresh surety bond duly executed should be sent along with the application form

TO BE COMPLETED BY THE COMPETENT AUTHORITY UNDER WHOM THE OFFICIAL IS WORKING

Certified that Sri _____ (Designation) _____
office of the _____ is working in the Department
continuously w.o.f. _____ He is holding temporary/permanent/OP
post in the Dept _____

At _____

the _____

Signature _____

Designation _____

Seal _____

DECLARATION

Certified that I have read the rules governing the allotment of new residence in _____ as amended from time to time till date and declare that particulars given by me above are correct and that the allotment to be made to me or already made to me shall be subject to these rules and subsequent amendments, if any, then, I also undertake not to submit the residence wholly or in part without the prior approval in writing of the _____ When the residence is no longer required by me or I cease to be entitled to it I shall be responsible for handing over its vacant possession to the _____ and until such vacant possession is delivered, rent and other charges in respect of the residence shall be recoverable from me

Signature _____

Designation _____

At _____

Office to which attached _____

TO BE COMPLETED BY APPLICANT'S ADMINISTRATIVE OFFICE

Forwarded to _____ P&T Lucknow. The facts stated in the application have been verified. The applicant is likely to be on duty in the _____ for the greater part of the year

Signature _____

Designation _____

Office seal _____

THE FOLLOWING CERTIFICATE IN RESPECT OF OFFICERS WHO HAVE BEEN REFERRED TO _____ PROVIDED THE MAXIMUM SERVICE OUTSIDE PRIOR TO THEIR PRESENT DATE OF POSTING SHOULD BE COMPLETED BY THE APPLICANT'S HEAD OF OFFICE

Certified that Sri _____ was on duty in _____ for the following period to his present posting in _____

_____ on emoluments of Rs. _____ PM
Date from _____ to _____ Emoluments from _____ to _____
Date from _____ to _____ " from _____ to _____

The above period of service subject to the rules have been taken into account for arriving at the priority date in item 4 in part I above

Date _____ Signature and Desig _____

Office seal _____

NB 1. Priority date: subject to note 2 below shall be the date from which that officer has been continuously holding a qualifying appointment in _____ except for periods of leave

2. Crediting of previous service: An officer referred to _____ is permitted to count his previous period of qualifying service in _____ towards qualifying appointment, provided the maximum break in service outside _____ as the case may be does not exceed a continuous period of 5 years prior to his present date of posting

TERMS AND CONDITION

1. The monthly rent charged from each occupant of the quarter will be in accordance with the current P&T rules on the subject and the amendments issued from time to time
2. The recovery of the rent will normally be made monthly by _____

deductions to the paybills of the occupants

3. The recovery of rent will start from the date of occupying the quarter or from the 8th day after the letter of allotment has been read by the official whichever is earlier.

4. Allotment of residence to any occupant will cease when he is transferred. In exception cases retention of quarters can be allowed to continue for 2 months after the date of transfer with the approval of controlling officer.

5. If the quarter is not vacated after the receipt of written cancellation of allotment order, penal rent will be recovered in accordance with FR 45 B.

6. In case the occupants of any quarter retires, or resigns or is dismissed or removed from service the allotment will stand cancelled from the date that such retirement, resignation, dismissal or removal comes into effect. The allotment will however be permitted to retain the quarter for a further period of one month with the prior approval of the controlling officer.

(b) In case of the death of the allottee the allotment of the residence shall stand cancelled with effect from a four months from the date of death or with effect from any date after death on which the residence is actually vacated whichever is earlier.

7. The quarter shall not be sublet or used for some other purpose than residence by the Govt servant or bonafide members of the family or for short duration by guests.

8. A complete inventory of the fittings and fixtures will be signed by the allottees both at the date of occupation and on vacation and may arise during the period of his occupancy.

9. No alterations and additions will be made in the quarter by the allottee without the written prior permission and approval of the controlling officer.

10. No trees or plants, shrubs in the premises should be allowed to be cut down or damaged in any way.

11. The allottee will be responsible to maintain the residence and the premises in neat and clean conditions.

12. The allottee shall not keep any domestic animals such as horses, cows, buffaloes, goats, pigs, sheep, dogs, cats etc. or poultry such as chicken, fowls, ducks or any other birds without the prior permission and consent of the controlling officer.

13. The electric charges depending upon the meter readings fitted in the premises of the occupant together with connected charges will be paid by him as per procedure decided by the controlling officer.

14. The occupant will accept and abide by any other terms and conditions laid down by the department from time to time.

DECLARATION

I, _____ do hereby declare that the terms and conditions noted above have been carefully read by me/explained to me. I shall abide by them. In case of non-observance of any terms and conditions mentioned above, the allotment of quarter in my possession is liable to be cancelled.

Witness

signature

designation

Office to which attached

Signature

Designation

Office to which attached

DECLARATION TO BE OBTAINED FROM HOUSE OWNING OFFICERS - PROFORMA

I, _____ do hereby declare that a house at the place of my posting is owned by the person indicated against item 3 below. The details of the house are given below.

Local of the house _____ Plinth area _____

House is owned by me/my wife/dependent/child or in the name of _____

In particulars of Govt residence, if any, allotted to be and:

Type of quarter allotted _____ Quarter No. _____

Location _____

Signature

Designation

Office to which attached

To be filled in by the Administrative Section of the officer
Forwarded to the _____ at at the _____
action at his _____ for further necessary

Signature

Designation

Office to which attached

100-100-100

100

100-100

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, AGRA

O.A. No. 274 of 1986

B.K. Verma

versus Union of India & Others

REJOINDER

Applicants' comment on each para of reply affidavit filed by the learned Respondents is as follows. The paras requiring no comment have been omitted.

1) Contents of Paras 1, 2, 3, 4, 5, 6 & 7 of the Reply affidavit are not admitted in view of what is stated in para 8 of the same by the learned Respondents.

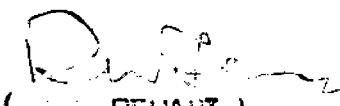
2) Contents of para 8 are admitted since the applicant has not been disturbed and he therefore prays that the case may kindly be decided in the light of Respondents own endorsement dt. 18.3.85 at Annexure A-1 of the paper book Application.

IN VERIFICATION

I, B.K. Verma, the applicant do hereby verify that the contents of paras 1 & 2 above are true to the best of my knowledge and belief. Nothing material has been omitted.

Dt. 10.1.1987

21/1/87
Rejoinderist


(N.L. TERAHY)
Advocate for the Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Reg. No. 4/0

23-A, Thornhill Road
Allahabad. 211001

Registration D.A. No. 274 Of 1988.

Date: -

No. SAI/3112/301

By Ram Krishna Varma.

ADD. SAIT

113

Union of India & Others (D.E.T. Lkn.) **RESPONDENT (S)**

✓ D.E.T. Lucknow

2. Estate Officer,
Office of G.M.T.,
Lucknow.

3. G.M.T. Lucknow.

*Recd. copy of -
Paint. E. M. D. S.
4/6/1990-
A.F. B. G.*

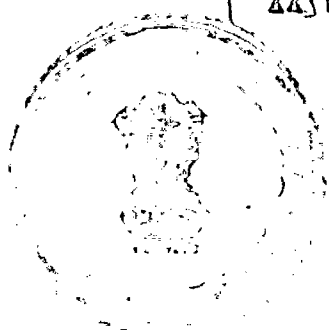
Please take notice that the applicant above named has presented an application a copy of whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 23rd day of 5th July 1990 for listing the case on ~~23rd July 88~~ before D1(I) for fixing a date for orders/hearing as the case may be. Counter may [X] if, no appearance is made on your behalf, your pleader or by some one duly authorised to Act and plead on your behalf in the said application, It will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 3rd day of May 1990.

For Deputy Registrar
(Judicial)

3/5/90

[X] be filed within 6 weeks from 2-5-90-



Before Central Administrative Tribunal
Additional Bench Allahabad

Registration No. 2787 or 19 58.

District

R. K. Verma Applicant

VERSUS

D. E. T. Lachar Respondents

I We Ram Lal - Personal Officer

in the above matter hereby appoint and retain

SHRI KRISHNA CHANDRA SINHA, Advocate High Court
to appear, act and plead for me/us in the above matter and to conduct/prosecute and
defend the same in all interlocutory or miscellaneous proceedings connected with the same
or with any decree or order passed therein, appeals and or other proceedings therefrom
and also in proceedings for review of judgment and for leave to appeal to Supreme Court and
to obtain return of any documents filed therein, or receive any money which may be payable
to me/us.

2. I/We further authorise him to appoint and instruct any other legal practitioner
authorising him to exercise the powers and authorities hereby conferred upon the Advocate
whenever he may think fit to do so.

3. I/We hereby authorised him/them on my/our behalf to enter into a compromise
in the above matter, to execute any decree order therein, to appeal from any decree/order
therein and to appeal, to act, add to plead in such appeal or in any appeal preferred by
any other party from any decree/order therein.

4. I/we agree that if/we fail to pay the fees agreed upon or to give due instruction at
all stages he/they is/are at liberty to retire from the case and recover all amounts due to
him/them and retain all my/our monies till such are paid.

5. And I/We, the undersigned do hereby agree to ratify and confirm all acts done by
the Advocate or his substitute in the matter as my own acts, as if done by me/us to all
intents and purposes.

Executed by me/us this day of 19 at

Signature

Executant/s are personally known to me he has/they have signed before me

Satisfied as to the identity of executant/s signature/s.

(where the executant/s is/are illiterate blind or unacquainted with the language of
vakalat)

Certified that the content were explained to the executant/s in my presence
in the language known to him/them who appear/s perfectly to understand
the same and has/have signed in my presence.

Accepted

K. C. SINHA

Advocate

Additional Standing Counsel

Central Government

High Court-Allahabad

Counsel for Applicant/Respondents

No

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW

10/25/11/11/11/11

13/1/95 TL DATE: 26/6

REGISTRATION NO. 224 OF 1988 (L)

Mr. V. V. Varma

Applicant

VERSUS

Mr. V. V. Varma

Respondent

Adv. 23 - A Thornhill
Allahabad

Please take notice that the applicant above named has presented an application a copy of _____ thereof is enclosed herewith which has been admitted in this Tribunal and the Tribunal has fixed 19 day of _____ to show cause as to why the petition be not admitted.

_____ weeks. Rejoinder, if any, to be filed within _____ weeks after. for hearing before

If your appearance is made on your behalf, your leader of by some other person, he/she shall be heard on your behalf in the said application. It will be heard and decided in your absence. Given my hand and seal of the Tribunal this 25 day of 6 1992.

FOR DEPUTY REGISTRAR

C/L

10/25/11/11/11/11

No. CAT/Allh/Dir/34/
Central Administrative Tribunal
(Allahabad Bench)

...

23-A Thornhill Road

Allahabad - 211 001

Dated : 13th May, 1988.

To

The Section Officer (Judicial-I)
Central Administrative Tribunal,
Principal Bench,
Faridkot House,
Copernicus Marg,
New Delhi - 110 001

Sub : Transfer of record of case no. O.A. 274 of 1983
(M.Z. Alam & ors. Vs. Union of India & ors.)

Sir,

reference

With ~~request~~ to your letter no. All dated 3.5.1988

on the above subject I am directed to say that all the papers received in the above case have been sent to Principal Bench except the order dated 19.2.88 in M.P. 327 of 1988. The orders of Hon'ble Chairman ^{passed} in M.P. no. 320 of 1988 and M.P. no. 31 of 1988 have not been sent to this Tribunal at all. *Neither the O.A. 375 of 1988 nor any order of Hon'ble Chairman is pending in this regard with this Bench.*

Yours faithfully

(Vinod Chaudhary)
Section Officer (J)

No. CAT/Alld/Jud/88/
Central Administrative Tribunal
(Allahabad Bench)

23-A, Thornhill Road
Allahabad - 211 001

Dated/- 13 th May, 1988

To

The Section Officer (Judicial- I)
Central Administrative Tribunal
Principal Bench,
Faridkot House,
Coopers Lane,
New Delhi- 110 001.

SUB: TRANSFER OF RECORD OF CASE NO.OA. 284 of 1988
(M.Z.ALAM & ORS. VS UNION OF INDIA & OTHERS)

Sir,

With reference to your letter No. nil dated 3.5.1988 on the above subject I am directed to say that all the papers received in the above case have been sent to Principal Bench except the order dated 19.2.88 in M.P. 32 of 1988. The orders of Hon'ble Chairman passed in M.P. no. 320 of 1988 and M.P. No. 315 of 1988 have not been sent to this Tribunal at all. Neither the O.A. no.375 of 1988 nor any order of Hon'ble Chairman passed in M.P. no. 320 of 1988 is pending in this regard with this Bench.

Yours faithfully

↓
(VINOD CHANDRA)
Section Officer (Judicial-I)