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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No. 341/88.

Shri Rajaram Vaman Khairnar,
Assistant Training Officer,
Advanced Training Institute,
Sion Trombay Road, Sion,
Bombay - 400 022.

... Applicant

V/s.

1. Director General of Employment
and Training,
Shram Shakti Bhavan,
Rafi Marg,
New Delhi, 110 001.
2. Director,
Advance Training Institute,
Sion Trombay Road, Sion,
Bombay. 400 022.

... Respondents

Coram: Hon'ble Member(A), Shri P.S. Chaudhuri.

Tribunal's Order:

Dated: 13.10.1988

Heard Shri P.V. Deshpande, learned Counsel for the applicant. Shri V.G. Baby, Office Superintendent appears for the respondents.

2. Shri Deshpande states that the applicant is entitled to Type-III accommodation and that it is in view thereof that he has been given alternative accommodation in the hostel. He also states that it has been the practice in the past to provide such alternative accommodation to instructional staff, etc. in the hostel. It is his contention that out of 282 single seated rooms in the hostel the respondents themselves have indicated utilisation of only 181 thus leaving 101 rooms which can be made available for and are being used for other purposes including temporary accommodation for instructional staff. His case for maintenance of

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status quo regarding providing the applicant with accommodation in the hostel is with reference to his claim for a Type.III quarter. He drew pointed attention to the respondents' reply to O.A. No.341/88 in which they had stated that they had allotted alternative family accommodation to the applicant in the campus of the respondent and said that all that he was seeking in Miscellaneous Petition No.469/88 was continued retention of this allotted alternative accommodation.

3. Shri Baby stated that although only 181 rooms were occupied by trainees some of them were having to share a room inasmuch as 242 trainees were in these 181 rooms. In addition, 62 trainees were waiting for accommodation. He frankly indicated that rooms in the hostel had been occupied by instructional staff in the past and that the position prevailing now in respect of accommodation of instructional staff vis-a-vis trainees was not materially different from the position that was prevailing on 23rd June, 1987 when accommodation in the hostel that the applicant is now occupying was allotted to him. The only change was the audit report (mentioned in para 4 of their reply to Miscellaneous Petition No.469/88) and it was in pursuance of this report that action had been initiated against the instructional and other staff occupying the hostel accommodation. In conclusion he drew attention to the Public Premises (Eviction of Unauthorised Occupants) Act of 1971 and indicated that they proposed to take action under this Act in respect of those instructional and other staff who had not yet vacated the hostel premises in pursuance of the notice that had been issued to them.

4. It is true that accommodation in the hostel has been provided to instructional staff, etc. in the past also and that accommodation in the hostel is even now

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being used for other purposes. It is also true that the position in this regard at present is not materially different from what it was in the past. It is even possible that the past practice can be continued without detriment to the trainees. It appears that quite a lot of accommodation can be made available for students even now by expediting the repairs in some rooms which are currently not in habitable condition. But be that as it may, it has not been disputed that the hostel was built for the trainees.

5. Based on this, in my opinion the applicant does not have any right to accommodation in the hostel.

6. Miscellaneous Petition No.469/88 is accordingly disposed of with the following orders:-

ORDER

- (i) The prayer for interim relief by way of restraining the respondents from compelling the applicant to vacate the hostel accommodation which is currently being occupied by him is rejected.
- (ii) As regards the prayer for early hearing of O.A. No.341/88, because of the heavy board the earliest that it can be accommodated is 30.11.1988 and the case will be heard on that day.
- (iii) In the circumstances of the case there will be no order as to costs.



(P.S.CHAUDHURI)
MEMBER (A)