

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 517 of 1999.

Dated this Monday, the 17th day of January, 2000.

Smt. Leena Sivanandan, Applicant.

Shri P.A. Prabhakaran, Advocate for the applicant.

VERSUS

Union of India & Others, Respondents.

Shri V. S. Masurkar, Advocate for Respondent Nos. 1 to 3.

Shri R. K. Shetty, Advocate for Respondent No. 4.

CORAM : Hon'ble Shri D.S. Baweja, Member (A).

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?
- (iii) Library.

D. S. Baweja
(D. S. BAWEJA)
MEMBER (A).

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CORAM : Hon'ble Shri D.S. Baweja, Member (A).

*Smt. Leena Sivanandan,
R/o. Qtr. No. T/13-12,
Talwar Camp, Colaba,
Mumbai - 400 005.*

*Employed in the Office of
Garrison Engineer (Naval Works),
Dr. Homi Bhabha Road, Navy Nagar,
Colaba, Mumbai - 400 005.*

Applicant.

(By Advocate Shri P.A. Prabhakaran)

VERSUS

1. *Flag Officer Commanding-in-Chief (Headquarters),
Western Naval Command,
Mumbai 400 001.*

2. *Commodore,
Naval Barracks,
Shahid Bhagat Singh Road,
Mumbai - 400 001.*

3. *Commander,
Officer-in-charge,
Naval Transport Pool,
Colaba, Mumbai - 400 005.*

4. *Garrison Engineer (Naval Works),
Dr. Homi Bhabha Road,
Navy Nagar, Colaba,
Mumbai - 400 005.*

Respondents.

(By Advocate Shri V.S. Masurkar)

OPEN COURT ORDER

PER : Shri D. S. Baweja, Member (A).

In this O.A., the husband of the applicant was in the employment of Director General of Naval Project, Naval Dockyard, Bombay - 400 023. He was occupying quarter no. 1/13/12, Talwar

(Signature)

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Camp, Colaba, Mumbai - 400 005. The husband of the applicant was retired as he was medically declared unfit. On the retirement of her husband, she applied for the job on compassionate basis and the same is allowed as per order dated 23.04.1999. She also made a request for regularisation of the quarter occupied by her husband in her name. However, this request has been turned down by the Commander, Officer-in-Charge, Naval Transport Pool, Colaba, Mumbai, (i.e. Respondent No. 3) and she has been asked to vacate the quarter. Feeling aggrieved by the same, the present O.A. has been filed on 01.07.1999 seeking the relief of regularisation of the quarter occupied by her husband in her name. She has also prayed that the licence fee at the normal rate be charged for the entire period since the date of retirement of her late husband. She has also prayed for releasing the settlement dues of her husband, who has since died.

2. Respondent Nos. 1 to 3 have filed a separate written statement. It is the stand of Respondent Nos. 1 to 3 that since the appointment has been given by the M.E.S. under Garrison Engineer (Naval Works), the quarter has to be allotted by that Pool and not from the Naval Pool.

3. Respondent No. 4, i.e. Garrison Engineer (Naval Works), has filed a written statement stating that there is no accommodation available at present for allotment to the applicant and, therefore, he has requested the Officer-in-Charge, Naval

Transport Pool, Colaba, Mumbai, (Respondent No. 3) to allow the applicant to retain the quarter.

4. The applicant has filed a rejoinder reply.
5. Heard the Arguments of Shri P.A. Prabhakaran, the Learned Counsel for the applicant, Shri V.S. Masurkar, Learned Counsel for Respondent Nos. 1 to 3 and Shri R. K. Shetty, Learned Counsel for Respondent No. 4 and the O.A. is being disposed of at the admission stage.
6. Shri P.A. Prabhakaran, the Learned Counsel for the applicant pointed out that the issue involved in the present O.A. is identical to what has been dealt with in the earlier O.A. No. 199/98 and made a plea that this O.A. can also be disposed of in similar terms. The Learned Counsel for Respondent Nos. 1 to 3, while conceding this point, stated that time limit should be fixed for allotment of the quarter by the M.E.S. Organisation, so that the Naval quarter could be vacated. The Counsel for Respondent No. 4, on the other hand submitted that at present no quarter is available and hence it will not be possible to allot the quarter immediately. On careful consideration of the rival contentions of Respondent Nos. 1 to 3 and Respondent No. 4, I am of the opinion that this is a issue to be decided mutually between the two departments. No time limit can be fixed and the

quarter which is first available in the M.E.S. Pool should be allotted to the applicant.

7. As regards the payment of settlement dues of the late husband of the applicant and the interim order as per Tribunal's order dated 18.11.1999 directing Respondent No. 4 to release the settlement dues as per rules, the counsel for Respondent Nos. 1 to 3, however pointed out that Respondent No. 4 is not the proper authority for release of the settlement dues. The settlement dues are to be released by the C.A.D., Southern Command, Pune. He, therefore, stated that the applicant must make a request to the concerned authority for payment of settlement dues. In view of this, the applicant can make a request to the C.A.D., Southern Command, Pune, for releasing the settlement dues and the concerned authority will release the settlement dues as per rules, within four months.

8. Keeping in view the above discussions, the O.A. is disposed of with the following directions, based on the ratio of what is held in O.A. No. 199/98.

(a) Respondent No. 4 will allot the first available quarter of the appropriate type to the applicant. Till such time the quarter is allotted by Respondent No. 4 from his Pool, Respondent No. 1 to 3 will allow the applicant to continue in the quarter under reference.

- (b) *The applicant will be entitled for payment of the normal rent as per the extant rules for the entire period.*
- (c) *The interim order passed on 02.07.1999 gets modified accordingly.*
- (d) *The payment of settlement dues will be arranged to the applicant within a period of four months from the date of receipt of this order.*
- (e) *No order as to costs.*

*(D. S. BAWAL)
MEMBER (A).*

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