

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 26 SEP 1994

APPLICATION NUMBER: 1006 of 1994.

APPLICANTS:

Sri.A.Muniyappa
To.

RESPONDENTS:

v/s. Director of Maintenance, Southern Telecom
Region, Bangalore and Another.

1.

Sri.P.T.Sreenivasa Reddy,
Advocate, No.112, Upstairs,
Cubbon Pet Main Road,
Bangalore-560 002.

2.

Sri.M.S.Padmarajaiah,
Sr.Central Govt.Stng.Counsel,
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on Eighth September, 1994.

Issued on
26/9/94

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.1006/1994

THURSDAY, THIS THE 8TH DAY OF SEPTEMBER, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

Sri A. Muniyappa,
S/o late Arasappa,
Motor Driver, Microwave Project,
Office of the Divisional Engineer,
Microwave Project, Bangalore-20
Type II Quarters, B.II/3 WMS Compound,
Jayanagar quarters, Bangalore-11.

.. Applicant.

(By Advocate Shri P.T. Sreenivasa Reddy)

Vs.

1. Director Maintenance,
Southern Telecom Sub-Region,
25, Infantry Road,
Bangalore-1.

2. Divisional Engineer,
Microwave Project,
179 I Main Seshadripuram,
Bangalore-20.

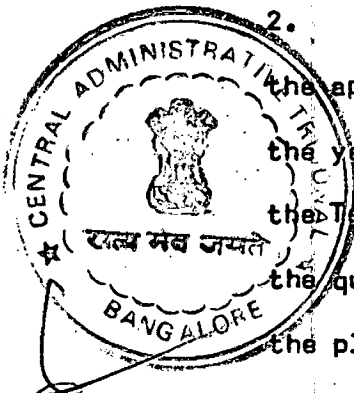
.. Respondents

(By Advocate Shri M.S. Padmarajaiah
Central Govt. Sr. Standing Counsel).

ORDER

Heard Shri P.T. Sreenivasa Reddy for the applicant and
the learned Standing Counsel Shri M.S. Padmarajaiah for the
respondents. I direct admission of this application and propose
to dispose off the same on merits.

2. The controversy herein is about the alleged move to eject
the applicant from the quarters which has been in his occupation from
the year 1985. The applicant appears to be working as a Driver in
the Telecom Department. Presently, the department requisitioned
the quarters in which he is living on the ground as mentioned in
the pleadings that it was required for maintenance people to whom
the quarter in his occupation was specifically designated. The



learned Standing Counsel tells me that there was a long list of people waiting for allotment of such quarters. The applicant who was temporarily accommodated in one of those quarters had necessarily to yield and hence the proceedings for shifting him from that quarters. The case of the applicant is that on a false pretext he is being shifted in that he was being wrongly maligned for maintaining bad relationship with his neighbours, etc., etc. all of which was far from truth.

3. Be that as it may, the question as to whether the applicant had failed to maintain cordial relations with his neighbours as a result of which he was now forced to quit the quarters in which he is living as an occupant which I consider to be besides the point. It is now made clear the applicant was allowed to stay in a quarters which was not entitled to occupy since it was earmarked for the maintenance wing. The allotment order itself has made clear that he will have to vacate the quarters if indented upon by an appropriately designated officer. I am now told and there should be no dispute about it that lots of people were waiting for the accommodation and hence the department is asking the applicant to make room for a person who was legally entitled to occupy the same. The applicant is however entitled to official accommodation, but, in the general pool. I am told, he has made an application for allotment of quarter in the general pool and that is under consideration.

4. In the circumstances, I see no justification or any plausible defence entitling the applicant to continue in the quarter made but for somebody else. It is a case of sheer need. Since, somebody who is entitled to the quarters is seeking allotment then ofcourse the applicant will have to yield. Shri Reddy for the applicant told me that his client had school going children, etc.

The applicant who was here in person mentioned that he has two sons both married and are living elsewhere, etc. But, also mentioned that if he is put out of his quarters right now, he would not be able to make other arrangements at very short notice. He also mentioned that construction of general pool quarters is going on in Kaval Byrasandra and he expects to be accommodated in one of the apartments therein. In that situation, it becomes clear that in a few months time if those apartments are ready the applicant would probably get one of them. Therefore, it would be only just and proper to allow the applicant to continue in the present quarters for a period of six months from this date and thereafter be asked to vacate the same. Hopefully, in the meanwhile, he may get other Govt. accommodation as well. But, whether that happens or not, he will have to vacate the quarters now occupied in six months, i.e., 31st March, 1995. He cannot stay there beyond the date whatever be the consequences.

5. I also direct the department to consider on priority basis the applicant's case for grant of other official accommodation and provide him with suitable quarters as soon as possible.

6. With the above order, this application stands dismissed.

No costs.



TRUE COPY

(P.K.SHYAMSUNDAR)
VICE CHAIRMAN

P. K. Shyam Sundar

Section Officer 26/9
Central Administrative Tribunal
Bangalore Bench
Bangalore

psp.