

CENTAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.No.6, PRESCOT ROAD, 4TH FLOOR,
MUMBAI - 400 001

REVIEW APPLICATION No.59/1996 IN
ORIGINAL APPLICATION No.1010/1995

FRIDAY, THIS THE 10TH DAY OF MAY, 1996

CORAM : HON'BLE SHRI V. RAMAKRISHNAN .. MEMBER (A)

Shri Wajid Ali Baig
Quarter No.21, HARINIWAS,
New Maude Lines, Colaba,
Bombay - 400 005. .. Applicant

Vs.

1. Union of India, through
The Estate Officer,
Station Headquarters,
24, Assaye Building, Colaba,
Bombay - 400 005.
2. The Barrack Stores Officer (West),
Navy Nagar, Colaba,
Bombay - 400 005.
3. The Unit Accountant,
Barrack Stores Office (West),
Navy Nagar, Colaba,
Bombay - 400 005. .. Respondents

O R D E R

This review application seeking a review
of the orders passed by me in Mumbai Bench is disposed of
by circulation.

2. The applicant, a civilian employee of the
Indian Navy seeks a review of the order of the Tribunal
dated 19.3.1996, in O.A. No.1010/1995. In that O.A., he
had challenged the action of the Army authorities in
cancelling allotment of residential quarters to him in
Hari Niwas Building and also their decision to charge him
damage rent with effect from July, 1995. The O.A. was

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disposed of with a direction that the applicant was not entitled to retain the present quarter allotted to him by Army authorities but as regards the rent to be recovered, the respondents should take action in accordance with the law and under the relevant rules and instructions.

3. The main ground urged by the applicant for retention of the quarters in Hari Niwas Building was that this was not exclusively under the Army pool and that the allotment of the quarters ^{had} ~~having~~ been made in accordance with the provisions of the ~~Allotment~~ of ^{Residence} (Defence Pool accommodation for Civilians ⁱⁿ ~~and~~ Defence Services) Rules, 1978, which applied to all Civilian employees without any distinction between those who serve in the Army and those who serve in the Navy. After hearing both sides, the Tribunal held that the quarter in question belonged to the Army Pool and it did not come within the purview of the Rules for allotment of residence for Defence Civilians. 12

4. In the present Review application, it is stated that the Tribunal's finding in this regard is based on an error apparent on the face of the record. It is contended that the observation of the Tribunal that these quarters were not specifically constructed for the civilians but for uniformed personnel in the Army is not correct as some of the quarters are under the occupation of non-combatants who are not uniformed personnel. The 13/

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Review applicant also argues that the ground for cancellation was that the accommodation was required for allotment to serving personnel of Army. But later on, the quarters in this building were allotted to Civilians and as such the cancellation order was not issued for the purpose mentioned but for extraneous reasons.

5. The main issue before the Tribunal was whether the quarters would come within the purview of the *ml* Allotment of *Residence* (Defence Pool accommodation for Civilians *and* Defence Services) Rules, 1978. It was noted that such rules apply only for allotment of residence specifically constructed for Civilian employees in Defence services. The Tribunal, held that such quarters were not specifically constructed only for Defence civilians but were under the Army Pool. The fact that quarters were allotted to Civilians even subsequent to issue of the cancellation order was considered and the stand of the respondents that such Civilians were attached to the Army and that their cases were clearly distinguishable from that of the applicant who belonged to the Navy was kept in view. As such, the fact that the quarters were allotted to Civilians in the Army and that all these quarters are not earmarked for uniformed personnel in the Army does not advance the case of the review applicant who belongs to the Navy. The reference to serving personnel of Army has been interpreted to include Civilians attached to the Army and that such a view is not unreasonable. *DA*

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6. The review applicant also has referred to the letter dated 10.11.95 of Head Quarters Southern Command, Engineering Branch. This was enclosed as Annexure-A8 to O.A.1008/1995 and refers to the need for providing alternative accommodation if the Defence Civilians are asked to vacate their existing quarters. This letter, however, has been issued in the context of the representation from the Staff Associations that in the event of their posting from one unit to another in the same station, the employees were asked to vacate their accommodation in their occupation and that such a step caused hardship to them. It was mentioned that where quarters had been allotted temporarily to Civilians on the specific condition that they must vacate at short notice, they cannot claim to be provided with alternative accommodation.

In the present case, the cancellation of the allotment was made not because the applicant was transferred from one unit to another in the same station, but because he belonged to the Navy and was occupying the quarter under the Army Pool.

7. In the light of the foregoing, I find no error apparent on the face of the record in respect of the judgment rendered on 19.3.1996 and there is no merit in this Review application. The Review applicant has

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enclosed with the present Review application a copy of

the letter dated 25.9.1995, which reads as follows:

"1. Refer to your DO letter 2271/7/SB/ACCN, dated 31 Aug, 95.

2. I appreciate the difficulties faced by your Headquarters due to occupation of some quarters by Civilians working in Naval formations, however, it is not possible to allot alternative accommodation immediately from our pool as vacant quarters are not available. Further, this Headquarters is not aware of the rules which do not permit further retention of rented quarters.

3. In view of the above, I would once again request that the individual may be permitted to stay untill we are in a position to allot alternate accommodation."

In the light of the above, I hope the Naval authorities will exert themselves and ensure ^{that} accommodation is found for the applicant from out of the quarters under the Naval pool and that the Army and Naval authorities will sort out the matter in a satisfactory manner.

8. The Review application is dismissed with the above observations.

(Signature)
(V. RAMAKRISHNAN)

MEMBER (A)

psp.

fs

at 10/6/96
order/Judgment despatched
to Applicant's file(s)
on 18/6/96

19/6/96