

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

O.A.79/97

THURSDAY this the 1st day of MAY 1997

CORAM:

HON'BLE SHRI B.S. HEGDE, MEMBER (J)

Thomas Mathew,  
Staff Officer (Civilians)  
Headquarters,  
Western Naval Command  
Mumbai, residing at  
Quarter No.72,  
Ali Building, 5th Floor,  
Shahid Bhagatsingh Road,  
Mumbai - 400 023.

By Advocate Shri M.S. Ramamurthy .. Applicant

-versus-

1. Union of India  
through  
The Secretary,  
Ministry of Defence,  
Govt. of India,  
New Delhi.
2. Chief Army Staff,  
Army Headquarters,  
New Delhi.
3. General Officer Commanding,  
Southern Command,  
Pune.
4. Station Commander,  
Headquarters,  
Bombay Sub-Area,  
Colaba,  
Mumbai - 400 005.
5. Brig.R.N.Kapur,  
Estate Officer,  
Station Head Quarters,  
Colaba,  
Mumbai - 400 005.
6. The Flag Officer Commanding  
in Chief, Western Naval Command,  
Shahid Bhagat Singh Marg,  
Mumbai - 400 001.
7. The Estate Manager  
Directorate of Estate,  
Govt. of India,  
C.G.O. Complex, M.K.Road,  
Mumbai - 400 020.

By counsel Shri V.S. Masurkar

.. Respondents

- : O R D E R : - (O R A L)

Heard Mr. M. S. Ramamurthy for the applicant and Mr. V. S. Masurkar for the respondents. Respondent No. 7 Estate Manager has filed an affidavit stating that Directorate of Estate Mumbai should not be made a party and there is no such provision of providing alternate accommodation from one pool to another. Counsel for the applicant states that the applicant is due for retirement in the month of November '97 and he may be permitted to continue in the quarter for the permissible period viz. 4 months after retirement since he has already booked a flat in Malad which will be ready by that time and in case he gets the possession of the house at Malad before that period he will vacate the quarter. He has also stated that he is paying the rent of Rs. 760/- whereas during the course of argument the respondents stated that the rent for the whole building they are paying is Rs. 1157/-

2. Learned counsel for the respondents brought to my notice circular dt. 23-1-84 wherein it is stated that civilians are required to be shifted to Govt. owned accommodation at least one year prior to their retirement.

3. However, in the present case since the applicant has been staying in the aforesaid quarter for the last 30 years and it is being told that the repairs of the quarter in occupation has been carried out by the applicant himself and he is due to retire in 1997. In the facts and circumstance of the case it is not appropriate at this stage to vacate him from the quarter, since alternate accommodation has not made available to the applicant.

*MR*

4. Accordingly, I direct the respondents to allow him to retain the quarter including the permissible limit of stay after retirement. In this connection applicant is directed to give an undertaking to vacate the quarter after the retirement including the permissible limit of stay or in the alternative if he gets his own accommodation before that date as the case may be.

5. With the above direction OA stands disposed of.

  
(B.S. HEGDE)  
Member (J)

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