

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

O.A. No. 261/91
T.A. No.

Dt. of Decision 5-3-93.

Mr. M. A. Rasheed Petitioner

Mr V. Venkateshwar Rao Advocate for
the petitioner
(s)

Versus

Director, Central Research Institute for Respondent.
Dry Land & Agriculture

Mr E. Madan Mohan Rao Advocate for
the Respondent
(s)

CORAM

THE HON'BLE MR. T. CHANDRASEKHARA REDDY, MEMBER (Judl.)

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circuisted to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1,2,4 (to be submitted to Hon'ble Vice-Chairman, where he is not on the Bench.)

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T. S. R.
H. T. R.
M. C. J.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION No.261/91

DATE OF JUDGEMENT:

50 MARCH 1993

Between

M.A. Rasheed

.. Applicant

and

1. Director
Central Research Institute for
Dry Land Agriculture,
Santoshnagar
HYDERABAD

2. The Assistant Administrative Officer,
Central Research Institute for
Dry Land Agriculture,
HYDERABAD

.. Respondents

Counsel for the Applicant

: Mr V.Venkateshwar Rao

Counsel for the Respondents

: Mr E.Madan Mohan Rao

CORAM:

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

JUDGEMENT

Aggrieved by the orders of the Respondents, dated 6.3.91, cancelling the allotment of 'C' type Residential Quarter and directing the applicant to vacate the said 'C' type quarter No.2, the applicant herein has filed this application under Section 19 of the Administrative Tribunals Act, for necessary directions to the respondents.

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2. At present, the applicant is working in the grade T-5 of Technical Service in the pay scale of Rs.2000-3500, in the office of the Director, Central Research Institute for Dry Land Agriculture, Santosh Nagar, Hyderabad. The office of the Central Research Institute for Dry Land Agriculture has got its own residential quarters. The applicant herein had been allotted Quarter No.2 in type 'C' since 1.5.89. Some other officials also have been allotted Type 'C' quarters like the applicant herein. It so happened that one Mr Shaik Imam, who was in occupation of Quarter No.1 became neighbour to the applicant herein. It is said that the applicant and the said Sri Shaik Imam did not have good relations, and allegedly, the applicant is said to have encouraged his dog to pounce on the guests of the said Sri Shaik Imam on the evening of 27.12.89. It is also alleged that the applicant had felled as his thorny bushes/trees and used fencing material to his kitchen garden, causing nuisance to the said Sri Imam who was his neighbour. It is also alleged that the applicant had also created problems to his neighbours. So the respondents under Rule 19 of the allotment of Residential rules 1986 had passed against the applicant the impugned order dated 6.3.91 to vacate the said quarter No.2 for his conduct prejudicial to the maintenance of harmonious relations with neighbours. The said orders had also been passed on the said Sri Shaik Imam who was the neighbour to the applicant herein and who was in occupation of quarter No.1. The said Sri Imam has retired from service on 30.4.91 and had vacated the quarters. The applicant is aged about 50 years and still has got 8-9 years service. It is the case

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of the applicant that his conduct towards his neighbours had always been good and that he is anxious to maintain good relations with regard to the occupants in the adjacent quarters that is allotted to him and which he is in occupation, and ^{the applicant seeks the prayer to allow him to} as already indicated, / continue in the same quarters by quashing the impugned order of the respondents.

3. Counter is filed by the respondents opposing this OA.

4. We have heard in detail Mr V.Venkateswara Rao, counsel for the applicant and Mr E.Madan Mohan Rao, Counsel for the respondents.

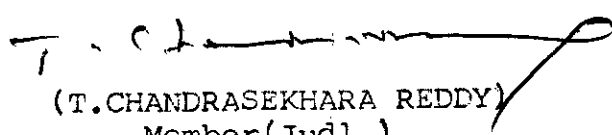
5. Mr E.Madan Mohan Rao, Standing Counsel for the respondents has ^{relevant} taken us through the / material in this OA. From the material that has been placed before us, it is quite evident that the applicant had not been maintaining harmonious relations with his neighbours. So, in view of this position, we are of the opinion that the action of the respondents in issuing the said impugned order dated 6.3.91 is valid.

6. As already pointed out, while narrating the facts giving rise to this OA, the said Mr Imam who was ^{the} ~~his~~ neighbour ^{by the Applicant -} and with whom the applicant herein did not have cordial relationship had vacated the quarters on 30.4.91. No material ^{i.e. from} is placed before us to show that ever since 1.5.91 - / the date of Mr Imam's vacation of his quarters, the applicant is indulging himself in such ~~an act~~ ^{acts that are} prejudicial for maintenance of harmonious relation with his neighbours. As a matter of fact, we wanted to know from the counsel for the respondents whether the applicant is giving trouble to

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any of the neighbours from the date, the said Sri Shaik Imam vacated the quarters. Mr Madan Mohan Rao, Standing Counsel for the respondents fairly conceded that he does not have any instructions from the respondents on this aspect, nor is there any material to show that the conduct of the applicant is as such causing disturbance to peace and tranquility to his neighbours from 1.5.91. So, in view of this position, we are of the opinion that it would be fit and proper to dispose of this OA by giving a direction to the respondents to take a suitable decision whether the applicant is to be allowed to continue in the quarter or not, on ascertaining the conduct of the applicant towards his neighbours with effect from 1.5.91. Until the said decision is taken by the respondents, we restrain the respondents from evicting the applicant from the quarters which he is in occupation now. The parties shall bear their own costs.


(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated: T. 29/3 March, 1993

mvl


Deputy Registrar(J)

To

1. The Director, Central Research Institute for Dry Land Agriculture, Santoshnagar, Hyderabad.
2. The Assistant Administrative Officer, Central Research Institute for Dry Land Agriculture, Hyderabad.
3. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
4. One copy to Mr.E.Madanmohan Rao, SC for Agrl. CAT.Hyd.
5. One spare copy.

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TYPED BY (6)

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO :V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN :M(A)

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY :MEMBER(J)

AND

THE HON'BLE MR.

DATED: 5 - 3 - 1993

ORDER/JUDGMENT:

R.P./C.P/M.A. No.

in

C.A.No. 261/91

T.A.No. —

(W.P.No.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

pvm

