

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

REVIEW PETITION NO.47 of 1992

IN

O.A.NO.805/91

DATE OF JUDGMENT: 24.4.1992

BETWEEN:

Mr. Tara Singh

..

Applicant

AND

1. The Director,
DMRL, Hyderabad.

2. Government of India,
represented by its Secretary,
Ministry of Defence,
New Delhi.

3. Shri S.Nagarajuna,
S.C.'C', DMRL, Hyderabad.

4. Shri K.Balasubramanian,
S.C.'D', DMRL, Hyderabad.

5. Shri A.B.Pandey,
S.C.'C', DMRL, Hyderabad.. ..

Respondents

COUNSEL FOR THE APPLICANT: Mr. G.Bikshapathi

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, Addl.CGSC

CORAM: Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)

T. S. R.

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JUDGMENT OF THE SINGLE MEMBER BENCH DELIVERED BY THE HON'BLE
SHRI T.CHANDRASEKHARA REDDY, MEMBER(JUDL.)

This Review Petition is filed under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 to review our Judgment dated 12.2.1992 in OA 805/1991.

2. OA 805/91 had been filed by the applicant to direct the respondents to allot D-35/6 Quarter or any other 'D' Type Quarter to the applicant. The contention of the applicant in the OA was that his personal pay of Rs.75/- should also be taken into consideration by adding the same in monthly emoluments of the applicant.

3. In the Judgment dated 12.2.1992, we have referred to the OM of Government of India, Ministry of Defence, dated 27.11.1987, wherein the "emoluments" are defined for the purpose of allotment of quarters. We had held in our Judgment, that a senior to the other scientific officers in all respects would become entitled to inferior type of Quarters if the said personal pay of Rs.75/- of the other scientific officer^s was taken into consideration for allotment of quarters. We have further held that this will lead to discrimination in between the Scientific Officers of same grade in the allotment of quarters. We had further made it clear that if the personal pay is not included in the emoluments, absolutely, there cannot be any such discrimination in the allotment of quarters.

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4. So, that being the position, we are unable to understand how there is any error in our Judgment. The learned counsel appearing for the petitioner is also not able to point out any error apparent on the face of the record. But the learned counsel appearing for the petitioner contended that personal pay of Rs.30/- in respect of some other employees had been taken into consideration while allotting 'C' type quarters. The reply of the respondents is that such allotment was considered in view of the vacant possession of the quarters and to avoid loss of revenue to the Government.


5. But whatever might be the rival contentions, we are not dealing here with a case relating to allotment of 'C' type quarters but with regard to allotment of 'D' type quarter which is superior to 'C' type quarter. If Type 'C' quarters had not been allotted as per rules and regulations, it does not mean that 'D' type quarter also should be allotted without observing rules and regulations. Regarding allotment of 'C' type quarters, there appears to have been relaxation of rule as those were vacant. But that is not the position with regard to the 'D' type quarters and there appears to be a keen competition ~~competition~~ for 'D' type quarters.

T - C - M

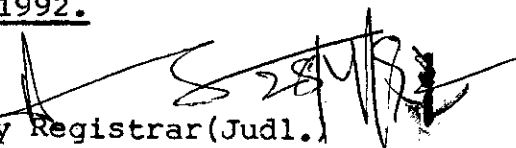
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6. Hence, what had been done for allotment of 'C' type quarters cannot be a precedent for allotment of 'D' type quarters. Hence, we see no merits in this Review Petition and this Review Petition is liable to be dismissed and is accordingly dismissed.


(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated: 26 April, 1992.

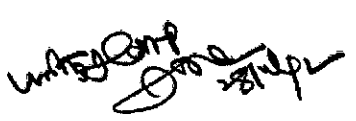

Deputy Registrar(Judl.)

mv/vsn

Copy to:-

1. The Director, DMRL, Hyderabad.
2. Secretary, Ministry of Defence, Government of India, New Delhi.
3. One copy to Sri. G.Bikshapathi, advocate, CAT, Hyd.
4. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
5. One spare copy.

Rsm/-



R.D. 47/92

O.A. 805791

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR.

V.C.

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 24/4-1992.

ORDER / JUDGMENT

R.A./G.A./M.A.No.

in

O.A.No.

T.A.No.

(W.P.No. _____)

Admitted and interim directions
issued

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A.Ordered/Rejected.

No order as to costs.

pvm.

