

(36)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.Q.NO.1028/92

Between: date of Order: 12.6.95.

Bansidhara Naik ...Applicant.

And

1. The Union of India, Represented by
The Director General, Indian Council of
Agricultural Research and Secretary,
I.C.A.R., Govt. of India, Min. of Agriculture,
Krishi Bhavan, New Delhi - 110 001.
2. The Director, National Academy of Agricultural Research,
Management, Rajendra Nagar, Hyderabad - 500 030.
3. The Chief Administrative Officer,
National Academy of Agricultural Research
Management, Rajendranagar, Hyderabad - 500 030.

...Respondents.

Counsel for the Applicant : Mr. J.V.Lakshmana Rao

Counsel for the Respondents : Mr.N.R.Devraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

CONTD...

(31)

O.A.No.1028/92

Date of Order: 12.6.95

X As per Hon'ble Shri A.B.Gorthi, Member (Admn.) X

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The applicant serving in the National Academy of Agricultural Research Management, Rajendranagar, Hyderabad and staying in Government quarter No. ~~C-4~~^{Type-III (old)} was ordered vide their impugned memo dated 22.7.91 to shift to quarter No.12 (GF), Type-III (new). Aggrieved by the same he has come up with this OA praying that the impugned order be set aside and that he be allowed to continue to occupy quarter No.C-4 Type-III (old.) .

2. Heard learned counsel for both the parties.

3. Mr.J.V.Lakshmana Rao, learned counsel for the applicant has stated that the applicant has been living peacefully in his quarter but he is sought to be disturbed for no other reason than that the respondents decided to allot the quarter in accupation of the applicant to a junior official name Srinivas who is working in a temporary project only. Admittedly the applicant is entitled to Type-III quarter as per his pay, rank and status. The contention of the applicant's counsel is that the applicant is being shifted to another quarter more as an extension of favouritism to Mr.Srinivas.

4. The respondents refute the contention of the applicant and state that the applicant was being shifted because of perpetual distrubance of peace on account of quarrels between him and his neighbours. This seems to be true because even as per memo dated 10/11-8-92 annexed to the OA it would be seen that a complaint made by the applicant was thoroughly examined and it was found that the applicant

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To

1. The Director General, Indian Council of Agricultural Research and Secretary, I.C.A.R., Govt. of India, Min. of Agriculture, Krishi Bhavan, New Delhi. 110 001.
2. The Director, National Academy of Agricultural Research, Management, Rajendranagar, Hyderabad - 500 030.
3. The Chief Administrative Officer, National Academy of Agricultural Research Management, Rajendranagar, Hyderabad - 500 030.
4. One copy to Mr.J.V.Lakshmana Rao, Advocate,CAT,Hyderabad.
5. One copy to Mr.N.R.Devraj,Sr.CGSC,CAT,Hyderabad.
6. One copy to Library,CAT,Hyderabad.
7. One spare copy.

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was in ^{the} habit of quarreling with women in the neighbourhood using ~~any~~ derogative language which was highly objectionable. The memo of ~~other~~ ^{further} states that the applicant was involved on a number of occasions quarelling with other housewives on flimsy grounds. He was severely warned and advised ~~as again~~ ^{early} in 1992.

5. There is nothing on record to indicate that the applicant has any right, vested or otherwise, to continue to be in occupation of the quarter No.12 Type-III(old). The respondents have provided him suitable alternative accomodation of the same type, i.e., Type-III. Mr.J.V. Lakshmana Rao, for the applicant has drawn my attention to the details given in para 4.8 of the OA ennumerating the differences between ~~old~~ quarter Type III and the new quarter Type III. In this OA I am not concerned with the minor advantages and disadvantages between old quarter and new quarter. But what is important is whether there is any irregularity in the allotment of another Type III(new) quarter to the applicant. It is noticed that the applicant prior to his occupation of Type III quarter No.12, ^(old) was in Type III ^{new} quarters. A careful examination of the record would indicate that the respondents had to order the applicant's shifting from one quarter to another purely in the interest of maintaining peace in the areas of the family quarters of the employees. As I find that the respondents' action is neither contrary to any rule nor is vitiated on account of mala fides, the same does not call for intervention.

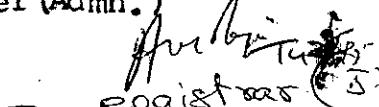
6. In the result, the OA is dismissed. No order as to costs.



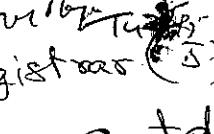
(A.B.GORTHI)
Member (Admn.)

sd

Dated: 12th June, 1995
(Dictated in Open Court)



Dy. Registrar (S)



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TYPED BY
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

THE HON'BLE SHRI A.V.HARIKANAN: MEMBER (3)

AND

THE HON'BLE SHRI A.B.GORTHI: MEMBER (4)

DATED 12-6-95

ORDER/JUDGMENT

M.A.NO/R.P.NO./C.P.NO.

in

D.A.NO. 1028/92

Admitted and Interim directions issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

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Central Administrative Tribunal DESPATCH 22 JUN 1995 NSF
HYDERABAD BENCH.