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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA No.764/93

&

MA No.527/93.

Dt. of Order:12-8-93.

M.A.Rasheed

...Applicant

Vs.

1. The Director,
Central Research Institute
for Dryland Agriculture
(CRIDA), Santhoshnagar,
Hyderabad-500 659.
2. The Director,
Central Research Institute for
Dryland Agriculture (CRIDA),
Santhoshnagar, Hyderabad-500 659.

Counsel for the Respondents : Shri E.Madan Mohan Rao

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

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

(ORDER OF THE CIVIL JUDGE)
Shri A.B.Gorthi, Member (A))

The applicant who joined Central Research
Institute for Dryland Agriculture (CRIDA for short) is

presently working as Technical Officer (T-5). He was
allotted type-C quarters and he occupied the same with

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effect from 1-5-89. The accommodation was allotted ^{to him} on the ground that his wife was suffering with cancer and she needed accommodation in a quiet area. After the applicant occupied the quarter, the respondents vide order dt. 12-11-92 directed the applicant to proceed on posting to Gunegal Research Farm. The said place Gunegal is within Ranga Reddy District. In compliance with the ~~said~~ order, the applicant reported for duty, -- -- -- 16-11-92. However feeling aggrieved by the said order, he ~~reported to the authorities concerned~~ and he also made a prayer therein for retention of family accommodation as ^{at} ~~the~~ Gunegal. The applicant contends that there is in fact no work for him at Gunegal Research Farm and that the respondents posted him to Gunegal for reasons which cannot be said ^{to be} in public interest. The Respondents considered the request of the applicant for retention of his quarters at Santosh Nagar, Hyderabad up to 31-5-93. As the applicant failed to vacate the quarter thereafter, the respondents charged him the damaged rent and started recovery of amount.

2. When this application came up for admission, ^{was} an interim order/ passed on 9-7-93 directing the respondents not to evict the applicant from the quarter and to charge him the standard rent only.

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3. The respondents have filed M.A.527/93 for the purpose of vacating the interim order of stay. As sufficient material is incorporated in the said M.A. in reply to the averments made in the Original Application, we have with the consent of the parties treated the M.A. as also a counter to this O.A.

4. The Respondents have stated that the applicant was holding a transferable job and he is therefore liable to be transferred to any office of the Institute were required in the Gunegal Research Farm, it was decided to post the applicant to Gunegal Research Farm. The said posting is entirely in exigencies of public service and not for joining time, transfer travelling allowance etc., was granted and as approved for permission to retain the government quarter up to 31-5-93 was also acceded. As there are a large number of officials in the waiting list for allotment of government quarters, it will not be proper to allow the applicant to retain the quarter indefinitely even after his transfer to Gunegal Research Farm.

5. We have ^{heard} Shri V.Venkateshwar Rao, learned counsel for the applicant and Shri E.Madan Mohan Rao, learned counsel for the respondents. Shri Venkateshwar Rao has relied on explanation (iii) below Rule-13 of

CRIDA (Allotment of residence) Rules, 1992. The same is

re-produced below :-

(iii) where the Institute's employee proceeds on transfer/deputation to I.C.A.R. Research Institute located in Hyderabad/Ranga Reddy District (A.P) he may be permitted to retain the residential accommodation if any already allotted to him for a period till the ~~le~~en of such an employee remains with the Institute.

On the ~~basis~~ of the aforesaid explanation the applicant's counsel urged that the benefit of retention of residential accommodation should similarly be extended to the employees of the Institute posted to any place ^{located in} Hyderabad/Ranga Reddy District (A.P.). ^{ing} ~~Disput~~ this contention Shri Madan Mohan Rao, counsel for the Respondents has drawn our attention to Rule-13(2) and table-iv to state that an employee of the Institute transferred to a place out side Hyderabad is permitted to retain the accommodation for a maximum period of two months only.

6. We may first consider the validity of the order of the Director, CRIDA, posting the applicant from Section of Design and Analysis to Gunegal Research Farm. In this context Shri Venkateshwar Rao, states that it is only in the Head-Quarters of CRIDA at Santhoshnagar, Hyderabad, that there is a Section of Designs and Analysis where the applicant could be engaged. At Gunegal Research Farm there is hardly any work for the applicant and consequently he was even being directed to proceed to Research Farm at Hayath

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Nagar for discharging duties of Technical Officer (T-5). We are not convinced with this line of the argument. In the Miscellaneous Application, respondents have categorically stated that there was a requirement of a Sr. Draftsman at Gunegal Research Farm and accordingly the applicant who is Sr. Draftsman in the grade of T-5 has been posted to that farm. As regards proper utilisation of services of an employee, the employer is in a better position to decide and we would not/like to interfere with the order of transfer to Gunegal Research Farm.

7. As regards the applicant's request for retention of his government quarter at Santhoshnagar, we find that the CRIDA (Allotment of residence) Rules, 1992/^{do not} directly provide for an answer. The contention of the applicant's counsel is/^{that} both Santhoshnagar where the Headquarters of the CRIDA is located and Gunegal Research Farm where the applicant is presently posted fall under Ranga Reddy District. Even otherwise we find that the explanation (iii) to Rule-13 of the Rules makes a provision which enables an Institute employee who is transferred or sent on deputation to an I.C.A.R. Institute located in Hyderabad/Ranga Reddy ~~is~~ accommodation already allotted to him for the period of his lien with the Institute. If such a facility can be afforded to the employee proceeding even on deputation, we fail to see how similar

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facility can be denied to the employees of the Institute who proceed on transfer from one unit to another unit of the Institute located in Hyderabad/Ranga Reddy District. We are aware ~~stated~~ that Hyderabad and Ranga Reddy district ^{are} so closely connected geographically that the facility of accommodation is ^{rightly} provided as per the afore-said explanation (iii). We find that the said provision is ^a very sound and beneficial provision and it must apply to the employees of the Institute who are shifted ^{from} one office to another within Hyderabad/Ranga Reddy district (CRIDA). From this point of view the applicant's request for retention of his accommodation at Santhoshnagar finds justification. We find from the application that the applicant's wife has been suffering from cancer for a considerably long period and the applicant is ^{also} stated to be suffering from paralysis. ~~stroke. So, even from~~ the applicant's case deserves to be considered favourably.

8. In the result we direct the respondents to allow the applicant to retain the government quarters already allotted to him at Santhoshnagar so long as he continues to serve at Gunegal Research Farm. Orders issued by the respondents to the contrary are hereby set aside. Respondents are further directed that normal rate of rent

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only will be charged from the applicant. Excess rent if any collected may be refunded to the applicant within a period of three months from the date of receipt of this order.

9. The application is allowed to the extent indicated above. No order as to costs.

(T.CHANDRASEKHAR REDDY)

(A.B. GORTHI)

Dictated in Open Court.

8/1/

Copy to:-

1. The Director, Central Research Institute for Dryland Agriculture, CRIDA), Santhoshnagar, Hyd-659.
2. The Sr. Administrative Officer, Central Research Institute for Dryland Agriculture (CRIDA), Santhoshnagar, Hyd-659.
3. One copy to Sri. V.Venkateswara Rao, advocate, CAT, Hyd.
4. One copy to Sri. E.Madan Mohan Rao. SC CRIDA. CAT. Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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O.A. 764/93

M.A. 527/93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 12/8/1993

ORDER/JUDGMENT:

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

O.A.No.

T.A.No.

in

764/93 + M.A. 527/90.

(W.P.)

Admitted and Interim directions
issued.

O.A. Allowed

Disposed of with Directions: ATCH

Dismissed

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs.

