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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

O.A. 1398/96

Date of Decision: 9.12.96

BETWEEN:

M.V.S. Prasada Rau

.. Applicant

AND

1. The State of Andhra Pradesh, rep. by Chief Secretary to Government of Andhra Pradesh, General Administration (Special-A), Secretariat, Hyderabad-500 022.
2. The Union of India, rep. by the Cabinet Secretary to Govt. of India, Rashtrapathi Bhavan, New Delhi - 110 011.
3. The Union of India, rep. by the Secretary, (Personnel) to the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel, AIS-III Section, North Block, New Delhi - 110 001.

.. Respondents

.....

Counsel for the Applicant : Mr. S. Ramakrishna Rao

Counsel for the Respondents: Mr. N.R. Devaraj and  
Mr. I.V.R.K. Murthy

.....

CORAM:

THE HON'BLE SHRI R. RANGARAJAN: MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: MEMBER (JUDL.)

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JUDGEMENT

(Oral order per Hon'ble Shri R. Rangarajan: Member (Admn.)

Heard Mr. Ramakrishna Rao for the applicant, Mr. I.V.R.K.  
Murthy for the State of A.P. and none for the Central Government.

The applicant in this OA is an I.A.S. Officer, retired from the post of Commissioner of Rehabilitation and Principal Secretary to the Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad, on 31.8.1996

He was provided with a quarter No.IJ/28 while he was in service. He was allowed to continue in that quarter upto 3 months from the date of retirement i.e. upto 30.11.1996. The above is in accordance with the rule vide Memorandum No.456/Accom./B/76-1 dated 6.2.76 (Page-17 of the OA). As per the above rule he was given permission to continue in the quarter vide Memo No.1181/Accom/B1/96/1 dated 27.8.96. However he has not vacated the quarter as his house is under construction and submitted representation seeking permission to retain the said Government quarter for a period of 6 more months.

This OA is filed praying for a direction to the R-1 to grant him time to stay in the quarter IJ/28, Erramanjil Colony, Somajiguda, Hyderabad up to 1.6.1997.

The applicant relied on G.O. No.169 issued on 6.3.1990 to state that he is eligible to continue in that Government quarter as requested by him as his final settlement dues are not paid to him fully.

The relevant para of said G.O. No.169 is reproduced below (Para-C, Annexure-II at page20)

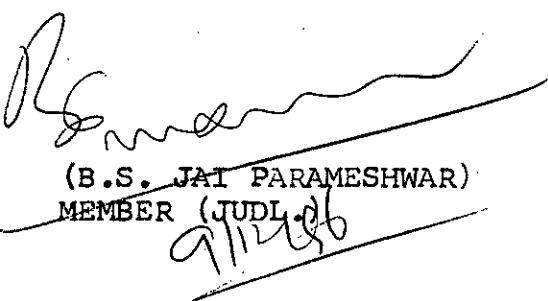
"Where an officer retires from service and his pension and other pensionary benefits are not settled and proof is shown to that effect the retention of the quarter may be permitted for a period of four months beyond the concession period or till the pension is settled, whichever is earlier."

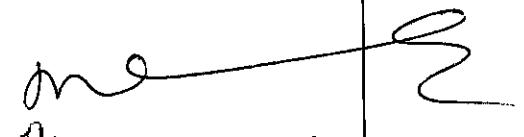
The learned standing counsel for the respondents of A.P. fairly submits that the case may be disposed by granting him time in accordance with the para reproduced above.

In view of the above the OA is disposed of as under:

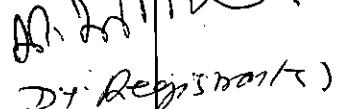
The applicant should be allowed to retain the quarter for a period of 4 months beyond the concession period i.e. from 1.12.1996 or till the pension is settled whichever is earlier.

The OA is ordered accordingly at the admission stage itself. No costs.

  
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDL.)

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

date: 9TH DECEMBER 1996  
Dictated in the open court

  
Dr. Reg. (Smt.)

KSM

Copy to:-

1. The Chief Secretary to Government of A.P., General Administration(Special-A), State of A.P., Secretariat, Hyd.
2. The Cabinet Secretary to Govt of India, Union of India, Rashtrapathi Bhavan, New Delhi.
3. The Secretary, (Personnel) to the Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Dept of Personnel, AIS-III Section, North Block, New Delhi.
4. One copy to Sri. S.Ramakrishna Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Sri. I.V.R.K.Murthy, SC for AP State, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

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9/12/96  
TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)  
AND  
THE HON'BLE SHRI B.S.JAI PARMESHWAR:  
M(J)

DATED: 9/12/96

ORDER/JUDGEMENT

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

D.A. NO.

1398/96

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक विधिकरण  
Central Administrative Tribunal  
Despatch/DESPATCH

1 JAN 1997

हैदराबाद धायप  
HYDERABAD BE