

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

OA / ~~TA~~ / ~~MA~~ / ~~DT~~ ..... 1239 ..... of 1997

..... R. Appa Rao and another ..... Applicant(s)

Versus

..... The Garrison Engineer MES ..... Respondent(s)  
Golconda Hyderabad

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Signature of  
Dealing Hand  
(In Record Section)

Certified that the file is complete  
in all respects.

Signature of S.O.

24/10/97.  
Dealing Hand  
Despatch  
Final

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

D.A.No. 1239 of 1997.

R. APPA Rao & Anst Applicants(s).

V E R S U S.

The Garrison Engineer, M.E.S., Golconda, Andhra

Anst

(Respondents).

Date	Office Note	ORDER
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19-9-97

MA 898/97 is ordered.

OA is ordered at the

admission stage itself vide

order on separate sheets.

No cost. cc today.

*(Signature)*

HARN  
T(A)

L. Mohan

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: SECHHYDERABAD.

DATE: \_\_\_\_\_  
ORIGINAL APPLICATION NO. 1239 OF 1997.

R. Appa Rao & another

(Applicants(s))

VERSUS

Union of India, Repd., By.

The Garrison Engineers, Colconde

1st & another

Respondents(s(s))

The Application has been Submitted to the Tribunal by Shri K. Venkateswara Rao Advocate/Party

~~in person~~ Under Section 19 of the Administrative Tribunal Act. 1985 and the same has been scrutinised with reference to the points mentioned in the check list in the light of the provisions in the administrative Tribunal(procedure) Rules 1987.

The application is in order and may be listed for Admission No. \_\_\_\_\_

Scrutiny Asst.

Amr:  
DEPUTY REGISTRAR(JUDL).

## CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Sl. No. 3032/92

Joint Report in the Scrutiny of Application.

Presented by Mr R. Venkateswara Rao Date of presentation. 12/1/93Applicant(s) R. Appa Rao M. anotherRespondent(s) The Gasinon Engineer, Golconda, HyderabadNature of grievance Eviction of QuartersNo. of Applicants 2 No. of Respondents 2CLASSIFICATION.Subject.....No. Department Defence (D) (NO)

1. Is the application in the proper form, (three complete sets in paper books form in the two complitions). 43
2. Whether name description and address of all the parties been furnished in the cause title. 43
3. (a) Has the application been fully signed and verified. 43  
(b) Has the copies been duly signed. 43  
(c) Have sufficient number of copies of the application been filed. 43
4. Whether all the necessary parties are impleaded. 43
5. Whether English translation of documents in a language, other than English or Hindi been filed. -
6. Is the application on time, (see section 21) 43
7. Has the Vakalatnama/Memo of appearance/Authorisation been filed. 43
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) 43
9. Is the application accompanied, duly attested legible copy been filed. 43

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

I N D E X S H E E T

O.A. NO. 1239 of 1997.

CAUSE TITLE R. Appa Rao & anoth

V E R S U S

M. Grassian Engineer, M.E.S, Golkonda, Andhra  
anott

Sl. NO.	Description of documents	Page No.
1.	Original Application	1 to 4
2.	Material Papers	5 to 14
3.	Vakalat	1
4.	Objection Sheet	—
5.	Spere Copies 2 (Two).	
6.	Covers 2 A	

Reg. - To direct the respondents to permit the applicants to retain the Government provided Accommodation, Hyd till the end of academic year 31.3.1998.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ::HYDERABAD

S.19. Case

O.A.NO. 1239 OF 1997

Enrichon of Quarter  
Defence(D)

Between :-

R.Appa Rao and another

... APPLICANTS

A N D

The Garrison Engineer, <sup>MES</sup> Golconda,  
Hyderabad and another.

रक्षा/DEFENCE

... RESPONDENTS

CHRONOLOGICAL EVENTS

S.No.	Particulars	Pg.Nos.
1.	The Applicants were appointed in 2/88.	1.
2.	O.A. filed by applicants were disposed of on 23.7.97 and 7.8.97	2
3.	Orders of dismissal served on 30.6.1997	2.
4.	Impugned Order is dated 30.7.97	1.

*K. Venkatesh*  
Counsel for the Applicants.



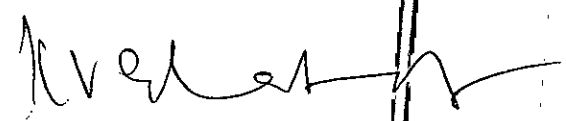
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO.

OF 1997

I N D E X

S.No.	Description of the Documents	Pg.Nos.	A.Nos.
1.	APPLICATION	1 to 4	
2.	No.2009/3041/E2A, dt.30.July, 1997.	5.	1.
3.	Order in O.A.No.1016/97, dt.7.8.97	6 - 8	2.
4.	Order in O.A.No.913/97, dt.23.7.97	9 -12	3.
5.	No.2009/3085/E2A, dt.11.September,97	13	4.
6.	No.3009/3083/E2A, dt. 11.September,97	14	5.

  
Counsel for the Applicant

FOR OFFICE USE ONLY:

1. Date of Filing :
2. Registration No. :

Signature of the Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO. 1239 OF 1997

Between:

1. R.Appa Rao, S/o.R.Thavitaiah, aged about 33 years, Mazdoor, MES No.141419 under Garrison Engineer, Golconda, Hyderabad.
2. Jabbar Ahmed Khan, S/o.Mehtab Khan, aged about 33 years, Mazdoor, with MES No.180852 under Garrison Engineer, Golconda, Hyderabad.

... APPLICANTS

A N D NBS

1. The Garrison Engineer (Golconda, Hyderabad.
2. The Station Head Quarters Officer, Station Head Quarter Secunderabad Extension Office, Golconda, Hyderabad - 500 008.

... RESPONDENTS

DETAILS OF THE APPLICATION

1. Particulars of the Applicants: Shown as above  
Address for services : Mr.K.Venkateswara Rao, Advocate, 2-2-1136/3/1, Jayalaxminivas, New Nallakunta, Hyderabad.
2. Particulars of Respondents : Shown as above

3. Particulars of the Order:-  
1. Order No. & Date :  
2. Subject in brief :

Lr.No.2009/3041/E2A N 30/97  
eviction & Quarter

4. JURISDICTION: The O.A. is within the jurisdiction U/s.14 of the Administrative Tribunal's Act, 1985 as the applicants are working within the State of Andhra Pradesh.

5. LIMITATION: The O.A. is within the limitation U/s.21 of the Administrative Tribunal's Act, 1985.

6. FACTS OF THE CASE:

(A) The Applicants are aggrieved by the impugned Lr.No.2009/3041/E2A dated 30.7.1997 issued by the first respondent directing the applicants to vacate their respective Government married Accommodation failing which eviction process will be taken on the untenable ground that the applicants were served orders for dismissal from service with effect from 8.7.1997 which is illegal, arbitrary, discriminatory and cannot be justified in the eye of law.



(B) The Applicants submit that they were appointed as Mazdoors under the control of the first respondent in the month of 2/88 and since then have been working in the said posts. The applicants were allotted quarter Nos.E-13/1-2 and 145/1, Old MD lines, Hyderabad-8 by virtue of their employment on payment of usual rent which was being regularly recovered from their pay.

(C) While so unfortunately, the applicants were dismissed from service by order No.158/759/EIC dated 30.6.1997 and 158/764/EIC dated 30.6.1997 respectively issued by the Commander Works Engineer, Mudfort, Secunderabad on the untenable grounds. The above said orders of dismissal were challenged before this Hon'ble Tribunal in O.A.No.913/97 and O.A.No.1016/97 respectively. In the meanwhile the first respondent issued the impugned Lr.No.2009/3041/EZA, dated 30.7.1997 directing the applicants to vacate the Government Married accommodation illegally failing which threatened with eviction process.

(D) While so the original application Nos.913/97 and 1016/97 were disposed of on 23.7.1997 and 7.8.1997 respectively directing the applicants to submit a detailed appeal to the appellate authority including the contentions raised in O.A. and if such an appeal is received, the appellate authority concerned should dispose of the same within 2 months from the date of receipt of the copy of the said appeal after due note of observations made by the Hon'ble Tribunal in the O.As. without going into period of limitation. Accordingly the applicants have submitted their appeals to the appellate authority and they are pending disposal by the Chief Engineer, Hyderabad Zone, Secunderabad. In view of the above position the applicants have made representations to the first respondent on 9.9.1997 requesting to grant five months time to vacate the quarter.

7

(E) While so it is strange that the first respondent issued Lr.No.2009/3083/E2A and 2009/3085/E2A dated 11.9.1997 intimating the Applicants that the requests for retention of the quarters under their occupation is not acceptable in terms of S.R.O. 308/78 and instructed the applicants to vacate the accommodation forthwith. The applicants submit that admittedly the orders of dismissal are not final and their appeals are pending disposal by the appellate authority in terms of the directions of this Hon'ble Tribunal. It would therefore be hard and harsh if the applicants are forced to vacate the quarters under their occupations. The applicants submits that their children are studying in the nearby schools and it would cause serious hardship if they are forced to vacate the quarters till the end of academic year. The applicants submit that they have reasonable and legal grounds in succeeding in their appeals. It is therefore necessary that the applicants to be granted time for atleast 6 months from now for finding alternate accommodation in the event of their of their being unsuccessful in the appeals pending. The applicants are therefore constrained to approach this Hon'ble Tribunal as the respondents are went upon evicting them from their respective quarters.

7. REMEDIES EXHAUSTED: - The Applicants have no other effective, alternative remedy except to approach this Hon'ble Tribunal.

8. MATTERS NOT PREVIOUSLY FILED OR PENDING:- The Applicants have not filed any other O.A./W.P. in this regard and such a case is not pending in any court or authority of law.

9. MAIN RELIEF:- It is therefore prayed that this Hon'ble Tribunal may be pleased to call for records relating to Order No.2009/3041/E2A dated 30.7.1997 issued by the Garrison Engineer, Golconda, Hyderabad and quash the same and consequently direct the respondents to permit the applicants to retain the quarter No.E13/1-2 and 145/1 Old MD Lines, Hyderabad respectively till the end of academic year namely 31.3.1998 in the event of their being unsuccessful in their appeals and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

10. INTERIM RELIEF:- Pending disposal of the above O.A.

it is prayed that this Hon'ble Tribunal may be pleased to suspend the operation of Order No.2009/3041/E2A dated 30.7.1997 issued by the Garrison Engineer, Golconda, Hyderabad and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

11. COURT FEE:-

I.P.O. No. & Date :

Name of the P.O. which drawn:

12. ENCLOSURES:- IPO., Material Papers, Covers, Pads & etc.

8 12 229 737 WDS  
Name of the P.O. which drawn: N.W. Vallaiah  
✓ 18.08.14  
IPO.DG/DG-Removal

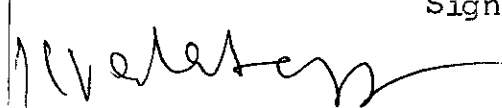
VERIFICATION

We, (1) R.Appa Rao, S/o.R.Thavitaiah, aged about 33 years, (2) Jabbar Ahmed Khan, S/o.Mehtab Khan, aged about 33 years, do hereby verify that the contents in the above paras 1 to 6 are true to our personal knowledge and paras 7 to 12 are true to legal advice from our counsel and we have not suppressed any material facts.

Hyderabad,

Dated :

(1) R. Appa Rao  
(2) J.A.Kh  
Signature of the Applicants

  
Counsel for the Applicants.

Telephone : 3513341

REGISTERED POST WITH ACK REC

Garrison Engineer's Office  
Golconda, Hyderabad-500008

Jul 97

94 304 / B2A  
MES-144419 Shr: ~~XXXX~~ A Appa Rao, Maz  
Quarter No B 13/1-2  
Old MD Lines  
Hyderabad-08

MES-180852 Shr: Jabbar Ahmed Khan, Maz  
Quarter No 145/1  
Old MD Lines  
Hyderabad-08

VACATION OF GOVT MARRIED ACCOMMODATION.

1. Reference CWF Secunderabad letter No 158/759/ELC dt 30 Jun 97 and 158/764/ELC dated 30 Jun 97 respectively.
2. Since you have been served order for dismissal from service wef 08 Jul 97, holding of Govt married accommodation by you is not in order and required to be vacated with immediate effect.
3. You are directed to vacate the Government Married Accommodation immediately or otherwise eviction process will be taken accordingly.

(Pun't Sethi)  
Major  
Garrison Engineer

Copy to :-

Station HQ Secunderabad  
Extn Office Golconda  
Hyderabad-500 008

- 1. The above individuals have been issued dismissal order from service vide CWF Secunderabad letter No 158/759/ELC dated 30 Jun 97 and 158/764/ELC dated 30 Jun 97 respectively.

2. You are requested to furnish the certificate mentioning un-authorised occupant in view of orders issued for dismissal from service.

*[Handwritten signature]*

10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1016/97

Date of Order : 7.8.97

BETWEEN :

Jabbar Ahmed Khan

.. Applicant.

AND

1. The Commander, Works Engineer,  
Madfort, Secunderabad.
2. The Chief Engineer, Hyderabad Zone,  
MES, Secunderabad.
3. The Garrison Engineer, MES, Gonzonda,  
Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr. K. Venkateswara Rao

Counsel for the Respondents

.. Mr. N.R. Devraj

CLAIM:

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

HON'BLE SHRI S.D. JAI PRAKASH : MEMBER (JUDL.)

J U D G E M E N T

Oral order as per Hon'ble Shri R. Rangarajan, Member (Admn.) 1

Mr. K. Venkateswara Rao, learned counsel for the applicant  
and Mr. N.R. Devraj, learned standing counsel for the respondents.

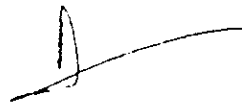
2. The applicant in this OA while working as Mazdoor under R-3 was issued with a charge sheet bearing No. 158/388/EIC, dated 30.4.96 for violation of Rule 3(i)(iii) of CCS (Conduct) Rules, 1964, in that he had produced <sup>a</sup> bogus employment registration card. The charge was enquired into by the enquiry officer and the enquiry officer report was submitted which is enclosed at page-15 to the OA. A copy of the enquiry report was supplied

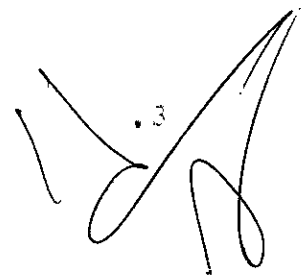
to the applicant vide memorandum No.158/388/E1C, dt. 30.4.96. While supplying the enquiry report to the applicant, the memorandum quoted above, the disciplinary authority, namely R-1, observed that "he had provisionally come to the conclusion that the charges framed against the said applicant have been conclusively established. The undersigned, thus proposed on him the penalty of dismissal from service which may well be a disqualification for future employment under the Government." The applicant on receipt of that memorandum with the enquiry report submitted his representation dt. 15.9.96. On that basis the applicant was dismissed by the memorandum No. 158/388/E1C, dt. 30.4.96 (A).

This OA is filed for setting aside the impugned order No. 158/388/E1C, dt. 30.4.96 issued by R-1 by holding the same arbitrary, discriminatory and violative of C.A. 39 and for a consequential direction to reinstate.

Contentions raised in this OA are similar to those raised in OA.913/97 which was disposed of on the above we follow the directions given in the following:-

The applicant should submit a detailed appeal to the authority including the contentions raised in the appeal from today. If such an appeal is received, the authority concerned should dispose of the same from the date of receipt of a copy of the note of the observations made by us. ~~Noting into~~ ~~Noting into~~ the period of limitation, if any.



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6B

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5. The learned counsel for the applicant submitted that in view of the draw-back in the conduct of the enquiry and issue of the punishment order, the appellate authority may be directed to suspend the impugned dismissal order. We do not propose to give any direction as prayed for as above. But the applicant is at liberty to make this request to the appellate authority and that appellate authority will decide the course of action necessary to be taken on the basis of his request.

6. With the above directions the OA is disposed of at the admission stage itself. No costs.

RECEIVED 16 RETRAU COPY

*Pruthi*

मुख्य अधिकारी  
CLINT OFFICER  
वे. 1. प्रशासनिक अधिकारी  
Central Administrative Tribunal  
हयद्राबाद बेंच  
HYDRABAD BENCH

*[Handwritten signature]*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

C.A.913/97.

Dt. of Decision : 23-07-97.

R. Appa Rao

.. Applicant.

Vs



1. The Commander,  
Works Engineer, MUDPort,  
Secunderabad.
2. The Chief Engineer,  
Hyderabad Zone, MES,  
Secunderabad.
3. The Garrison Engineer,  
MES, Golconda, Hyderabad-8.

.. Respondents.

Counsel for the applicant

: Mr. K.Venkateswara Rao

Counsel for the respondents

: Mr.V.Rajeswara Rao, Addl.COS.

CORAM:-

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

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

*Jai*

*[Signature]*

*[Signature]*



ORDER

CRANE ORDER (FERRONABLE SHRI R. RANGARAJAN : MEMPH (ADVN.)

Heard Mr.K.Venkateswara Rao, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant in this OA while working as Mazdoor under R-3 was issued with a charge-sheet bearing No.158/383/EIC, dated 14-03-95 (Page-15 to the OA) for violation of Rule 3 (i) (ii) of CCS (Conduct) Rules, 1964. On that he has produced bogus employment registration card. That charge-sheet was enquired into by the enquiry officer and the enquiry officer report was submitted which is enclosed at page-24, 25 and 26. A copy of the enquiry report was supplied to the applicant vide memorandum No.158/651/EIC dated 30-04-96 (Page-21 to the OA). While supplying <sup>the</sup> enquiry report to the applicant by the memorandum quoted above, the disciplinary authority viz., R-1 has observed that he had provisionally come to the conclusion that the charges framed against the said applicant have been conclusively established. The undersigned, thus proposes to impose on him the penalty of dismissal from service which shall ordinarily be a disqualification for future employment under the Government. The applicant on receipt of that memorandum along with the enquiry report submitted his representation dated 27-05-96 (Page-35 to the OA). On the basis of that the applicant was dismissed from service by the memorandum No.158/759/EIC dated 30-06-97 (Page-13 ~~xx~~ to the OA).

3. This OA is filed for setting aside the impugned order No.158/759/EIC dated 30-06-1997 (Page-13 to the OA) issued by R-1 by holding the same as illegal, arbitrary, discriminatory and violative of CCS (CCA) Rules, 1965 and for a consequential direction to re-instate him in service.

4. The learned counsel for the applicant made the following important points in regard to the conduct of enquiry and awarding of punishment to the applicant herein.

5. The learned counsel for the applicant submitted that the enquiry report is a common proceedings under Rule-18 of the CCS(CCA) Rules, 1968. As the details of each of the accused employees <sup>separate</sup> it is essential that the enquiry proceedings should be conducted individually instead of <sup>a</sup> combined enquiry. Thus at the initial stage itself the enquiry was vitiated.

6. The second contention of the applicant in this OA is that the disciplinary authority while forwarding the <sup>Copy of the</sup> enquiry report to him had come to a preconceived notion that the applicant is liable to be dismissed from service. Such a preconceived notion is not warranted. The disciplinary authority should decide the case judicially after getting his defence statement on the enquiry report. Till such time the defence statement is not received <sup>from</sup> by the applicant the ~~disciplinary authority~~ disciplinary authority cannot conclude or take a preconceived notion in regard to the punishment to be awarded to the applicant. Hence, the proceedings are once again vitiated because of the preconceived notion taken by the disciplinary authority viz., R-1 herein. This has also been indicated in his defence statement which is enclosed at Page-35 to this OA.

7. The third contention of the applicant is that the documents which are relied upon <sup>were</sup> are not supplied to him and <sup>was</sup> is rejected <sup>in the</sup> ~~and~~ it is an official record. Such rejection is not warranted as that is <sup>and</sup> all the relied upon document <sup>at least</sup> a xerox copy of the document should have been supplied to the applicant. Even that was not done. Hence, the principles of natural justice are not followed in this case.

8. The learned counsel for the respondents brought to our notice that the applicant has refused to sign the statement given by him as can be seen from Annexure-VII Page-33 to the OA. Thus the applicant has not co-operated in conducting the enquiry. But we feel that in case the applicant refused to sign it would have been taken on record on the basis of the witness present in the <sup>enquiry room</sup> ~~court~~.

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9. In view of the above contention raised by the applicant the learned counsel for the applicant submits that this Tribunal can straight away set aside the <sup>only</sup> ~~issue~~ even though no appeal has been filed against the orders of the disciplinary authority. But after exhaustive discussion, the learned counsel for the applicant submitted that his contentions may be noted in the judgement and after that a direction may be given <sup>to</sup> ~~for~~ the applicant to file an appeal in this connection and also a direction to the appellate authority to dispose of that appeal within a <sup>short</sup> ~~period~~..

10. In view of the above submission, the following direction is given:-

The applicant should submit a detailed <sup>appeal</sup> ~~representation~~ to the appellate authority including the contentions raised in this CA within a fortnight from to-day. If such an <sup>appeal</sup> ~~representation~~ is received the appellate authority concerned should dispose of the same within two months from the date of receipt of a copy of that <sup>appeal</sup> ~~representation~~ taking due note of the observations made as above in the judgement.

11. The learned counsel for the applicant submitted that in view of the draw back in the conduct of the enquiry and issue of the punishment order, the appellate authority may be directed to suspend the impugned dismissal order. We do not propose to give any direction as prayed for as above. But the applicant is at liberty to make this request to the appellate authority and that appellate authority will decide the course of action necessary to be taken on the basis of his request.

12. With the above direction the OA is disposed of at the admission stage itself. No costs.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी  
COURT OFFICER  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद बेंच  
HYDERABAD BENCH

Telephone : 3513321

RECEIVED 30 SEP 97

Garrison Engineer's Office  
Golconda, Hyderabad-500 008

2009/3071/22A

Sep 97

Sgt. Jabbar Ahmad Khan, Maz (Maz-180852)  
Quartermaster No 145/1  
Old MD Lines  
Hyderabad-500 008

VACATION OF QUARTERS FOR MARRIED ACCOMMODATION  
QUARTER NO 145/1, OLD MD LINES, HYDERABAD

1. Reference your application dated 09 Sep 97.
2. Request for retention of md accommodation for 4 months is not acceptable in terms of Para 2 of SRO 308 of 1978 as intimated to you vide our letter No 2009/3071/22A dated 30 Aug 97.
3. You are hereby instructed to vacate the accommodation forthwith.

(Pun't 3-4)  
Major  
Garrison Engineer

Copy to :-

Station HQ Secunderabad  
Extension Office Golconda  
Hyderabad-500 008

1. Ref our letter No 2009/3071/22A dated 30 Aug 97 and CWT Section and letter No 21704/Allet/106/22A dated 05 Sep 97.

2. The individual further requested retention of accommodation for 4 months vide his application dated 09 Sep 97 which was not accepted please.

CWS Secunderabad-03

- for info wrt your letter No 21704/Allet/106/22A dated 05 Sep 97.

AAO Gt Golconda

ESO Golconda

AGE E/M Golconda

Internal

31 Section

V  
A

Telephone : 351331

AV 141  
18  
Harrison Engineer's Office  
Golconda, Hyderabad-500 006

2009/ / /

Shri Rappa Rao, Asst Commr (P.W.D.)  
Quarter No 13/1  
Old ID Lines  
Hyderabad-500 006

REPLY TO THE LETTER DATED 09 SEP 97.

1. Reference your application dated 09 Sep 97.
2. Request for extension of married accommodation was not acceptable in terms of Para 2 of GHO 308 of 1971. You vide our letter No 21704/Allet/106 dated 30 Aug 97.
3. You are hereby requested to accept the decision forthwith.

(Pudh. S. U.)  
Major  
Harrison Eng.

Copy to :-

Station Hq Secunderabad  
Extension Office Golconda  
Hyderabad-500 006

- For our letter to you dated 30 Aug 97 and 11704/Allet/106 dated 05 Sep 97.

- The individual further requested for extension of accommodation for 6 months vide his application dated 09 Sep 97 which was not accepted. please.

CWS Secunderabad-03

- For info wrt your letter dated 11704/Allet/106 dated 05 Sep 97.

AAO Gt Golconda

BEO Golconda

AO A/M Golconda

Internal

2 Section

V/A

19  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO. 1239 OF 1997

DATE OF ORDER: -19.9.97-

BETWEEN:

1. R. APPA RAO,
2. JABBAR AHMED KHAN.

.. APPLICANTS

AND

1. The Garrison Engineer, MES,  
Golconda, Hyderabad,
2. The Station Head Quarters Officer,  
Station Head Quarter Secunderabad  
Extension Office, Golconda,  
Hyderabad 500008.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr.K.VENKATESWARA RAO

COUNSEL FOR THE RESPONDENTS: Mr.N.R.DEVARAJ, Sr.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

ORAL ORDER (PER Hon'ble SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.K.Venkateswara Rao, learned counsel for the applicants and Mr.N.R.Devaraj, learned stading counsel for the respondents.

2. There are two applicants in this OA. They were dismissed from service. They had filed an appeal against the dismissal order in pursuance of the directions of this Tribunal in OA Nos.913/97 and 1016/97 dated 23.7.97 and 7.8.97 respectively. In the meantime the impugned order No.2009/3-41/E2A dated 30.7.97 (Annexure I to the OA) was


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issued to them asking them to vacate the Government Married Accommodation. The applicants submit that they have lot of difficulties in vacating the quarter immediately and their appeals in pursuance of the directions in the OAs 913/97 and 1016/97 are still pending. They further submit that the child of one of the applicants is physically handicapped and hence it will be very difficult for them to vacate the quarter forthwith.

3. This OA is filed for setting aside the impugned order dated 30.7.97 issued by R-1 and for consequential direction to the respondents to permit the applicants to retain the Quarter Nos.E13/1-2 and 145/1, Old MD Lines, Hyderabad respectively till the end of the academic year viz, 31.3.1998 in the event of their being unsuccessful in their appeals.

4. The respondents vehemently oppose the claim of the applicants. They submit that the applicants are no longer the employees of the Government and hence they have no right to retain the quarter. They further state that in case their appeals are decided in their favour then their cases will be considered for out of turn allotment of the quarter. They further submit that in case they are allowed to retain the quarter, they will request for retention of the quarter later also if the appeals referred to above are disposed of rejecting their <sup>Cases</sup> appeals.

5. The applicants no doubt are poor ex-employees. At present they are not the employees and they are out of

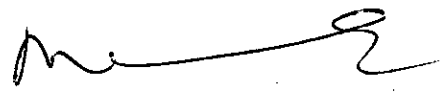


the job. Their appeals in pursuance of the direction given in the OA Nos.913/97 and 1016/97 are still pending. If the applicants come once again to this Bench for retention of the quarters if their appeals are rejected, then a suitable decision can be taken at that time. That point need not be considered at this juncture.

6. Under the above circumstances, the following direction is given:-

The applicants should be permitted to retain the quarters for one month after the disposal of the appeals referred to above on payment of double the normal rent. After the expiry of the above said period, they should vacate the quarters.

7. The OA is disposed of as above at the admission stage itself. No order as to costs.

  
(R.RANGARAJAN)  
MEMBER (ADMN.)

DATED:-19th-September,-1997  
Dictated in the open court.

vsn





Copy to

1. The Garrison Engineer, MESA, Golconda, Hyderabad.
2. The Station Head Quarters Officers Station Head Quarter Secy Hyderabad Extension Office, Golconda, Hyderabad.
3. One Copy to Mr. K. Venkateswara Rao, Advocate, CAT, HYD.
4. One Copy to Mr. N.R. Devaraj, Sr. JSC, CAT, HYD.
5. One Copy to The D.R. (A).
6. One Duplicate Copy.

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6/10/97  
Typed By  
Checked By

Checked by  
Approved By

In the Central Administrative Tribunal  
Hyderabad

The Hon'ble Chair. Ranganatha Rao (A)

And

The Hon'ble Chair. Ranganatha Rao (A)  
n(2)

Dated: 19-9-97

By: /

For: /

in

C.A. NO. 1239/97

ADMITTED AND INTERVIEWED TO THE  
ALLIED  
OFFICE OF THE DIRECTOR  
OFFICE  
ALLIED  
OFFICE OF THE DIRECTOR  
OFFICE OF THE DIRECTOR  
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YLR

II COURT

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
DESPATCH  
24 SEP 1997  
HYDERABAD BENCH