

FORM NO. 21  
(See Rule 114)

IN THE GOVERNMENT ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

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

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

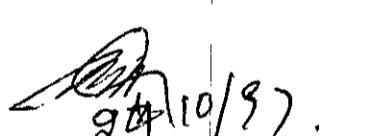
versus

The Garrison Engineer MES  
Golconda Hyd. and another ..... Respondent(s)

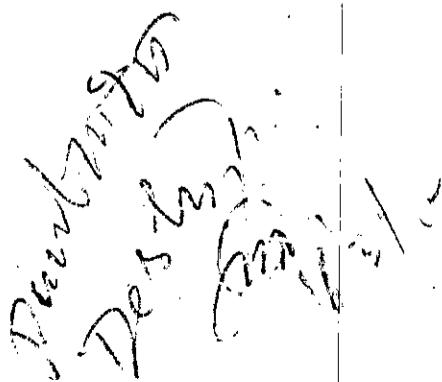
INDEX SHEET

Serial No.	Description of Documents	Pages
Docket Orders	.....	1
Interim Orders	.....	1
Orders in MA (s)	.....	1
Orders in (Final Orders)	19-9-97.	19 to 22

Certified that the file is complete  
in all respects.

  
Signature of  
Dealing Hand  
(In Record Section)

Signature of S.O.

  
Record Manager  
Dealing Hand

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

D.A. No. 1239 of 1997.

R. Appa Rao & anoth

Applicants(s).

VERSUS.

The Garrison Engineer, M.E.S., Gootconda, Hyderabad

anoth

(Respondents).

Date	Office Note	ORDER
		<p>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.</p> <p>Y</p> <p>HRRN TIA</p>

L. Mohan

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: SEI CHHYDERABAD.

ORIG.   
ORIGINAL APPLICATION NO. (239 OF 1997.

R. Appa Rao Or another

(Applicants(s))

VERSUS

Union of India, Repd., By.

The Crimson Engineer, Colcom

Itself or 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)

L. Mohon

CESTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Case No. 3032/92

Report in the Scrutiny of Application.

Presented by Mr K. Venkateswaran Date of presentation. 18/1/93

Applicant(s) - R - Apparao & another

Respondent(s) - The Garrison Engineer, Golconda, Hyderabad

Nature of grievance Enrich of Quarters

No. of Applicants 2 No. of Respondents 2

CLASSIFICATION.

Subject..... No. Department Defence (D) (NO)

1. Is the application in the proper form, (three complete sets in paper books form in the two compilations). 45
2. Whether name description and address of all the parties been furnished in the cause title. 45
3. (a) Has the application been fully signed and verified. 45  
(b) Has the copies been duly signed. 45  
(c) Have sufficient number of copies of the application been filed. 45
4. Whether all the necessary parties are impleaded. 45
5. Whether English translation of documents (in a language, other than English or Hindi) been filed. 45
6. Is the application on time, (see section 21) 45
7. Has the Vakalathama/Memo of appearance/Authorisation been filed. 45
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) 45
9. Is the application accompanied, duly attest, legible copy been filed. 45

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL (YODA, B&J BENCH) HYDERABAD

I N D E X S H E E T

OR. NO. 1239 of 1997.

CAUSE TITLE R. APPA Rao & anet

VASUS

In Gramison Engineers, MES, Golconda, Andhra  
anet

SE. NO.	Description of documents	Page No.
1.	Original Application	1 to 4
2.	Material Papers	5 to 14
3.	Vakalat	1
4.	Objection Sheet	1
5.	Spore copies 2 (Two).	1
6.	Covers 2. d	1

Reg. - To direct the respondents to permit the applicants to retain the Government Planned Accommodation, Hyd. till the end of Academic Year 31.3.1998.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ::HYDERABAD

S.191. Case

O.A.NO. 1239

OF 1997

Enrichment of Quarter  
Defence(D)

Between :-

R. Appa Rao and another

... APPLICANTS

A N D

The Garrison Engineer, Golconda,  
Hyderabad and another.

HES

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.

*M Venkatesh*  
Counsel for the Applicants.

Received  
B.W. 19  
R.W. Reddy



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.

*M. G. S.*  
Counsel for the Applicant

FOR OFFICE USE ONLY:

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

*[Signature]*  
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.Thavitaish, aged about 33 years, Mazdoor, MES No.141419 under Garrison Engineer, Golcongda, 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 MBS

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, Jayalakminivas, New Nallakunta, Hyderabad.
2. Particulars of Respondents : Shown as above
3. Particulars of the Order:- LTM 2009/3041/E2A N 30/97  
1. Order No. & Date : 30.7.1997  
2. Subject in brief : Eviction of Quarters
4. JURISDICTION: The O.A. is within the jurisdiction U/s.34 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.

X

(E) While 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 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.

96  
:: 4 ::

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 :

8/12/229/737 W/25

Name of the P.O. which drawn: *Hyderabad*

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

*✓ 6-00/-  
IPO, B.G./B.S. 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,

(1) *Rao*

Dated :

(2) *J.A.Kh*

Signature of the Applicants

*W. Venkateswara*

Counsel for the Applicants.

Telephone : 3513341

REGISTERED POST WITH ACK. REC.

Garrison Engineer's Office  
Golconda, Hyderabad-500008

94 304) /82A

Jul 27

MSS-144419 Shri ~~YERRA~~ A Appa Rao, Maz  
Quarter No E 13/1-2  
Old MD Lines  
Hyderabad-08

MSS-180852 Shri Jabbar Ahmed Khan, Maz  
Quarter No 145/1  
Old MD Lines  
Hyderabad-08

VACATION OF GOVT MARRIED ACCOMMODATION

1. Reference CWS Secunderabad letter No 158/759/SLC dt 30 Jun 97 and 158/764/SLC 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.

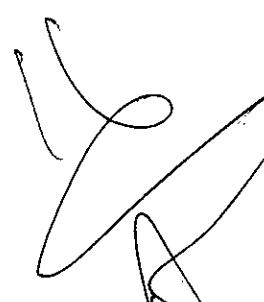
(Punit Sethi)  
Major  
Garrison Engineer

Copy to :-

Station HQ Secunderabad  
Extn Office Golconda  
Hyderabad-500 008

1. The above individuals have been issued dismissal order from service via CWS Secunderabad letter No 158/759/SLC dated 30 Jun 97 and 158/764/SLC 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.



DRY P-6

10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

VS

AT HYDERABAD

O.A.No. 1016/97

Date of Order: 7.8.97

BETWEEN:

Jabbar Ahmed Khan

.. Applicant

AND

1. The Comander, Works Engineer,  
Mudfort, Secunderabad.

2. The Chief Engineer, Hyderabad Zone,  
MES, Secunderabad.

3. The Garrison Engineer, MES, Gonconda,  
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 (ADM.)

HON'BLE SHRI S.S. LAL PATEL : MEMBER (JUL.)

JUDGEMENT

Oral order as per Hon'ble Shri R.Rangarajan, Member (adm.) 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/ERIC, dated 30.4.96 for violation of Rule 3(i)(iii) of CCS (Conduct) Rules, 1964, in that he had produced a 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

DRY

1

W

..2

to the applicant vide memorandum No. 158/388/E1C.

While supplying the enquiry report to the applic

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 exclusively established. The undersigned, thus proposed

on him the penalty of dismissal from service which would

constitute a disqualification for future employment under the Government." The applicant on receipt of that memorandum along with the enquiry report submitted his representation.

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 or-

158/E1C, dt. 30.4.96 issued by R-1 by holding the

same arbitrary, discriminatory and violative of C.

RRB and for a consequential direction to reinstate.

Contentions raised in this OA are similar to

raised in OA. 913/97 which was disposed of on

the above we follow the directions given in t

follows:-

The applicant should submit a detailed appeal to

the authority including the contentions raised in

right from today. If such an appeal is re-

ceived 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

going into -

mentioning the period of limitation, if any.

5. The learned counsel for the applicant submitted that in view of the drawback 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.

RECORDED  
CERTIFIED TO BE TRUE COPY  
M. J. M.  
COURT CLERK  
COUNT OFFICER  
S. S. J. C. & A. T.  
Central Administrative Tribunal  
COURT OF APPEAL  
HYDERABAD BENCH

W W

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, MUDFort,  
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. CCS.

CORAM:-

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

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

*Joe*

*[Signature]*

*[Signature]*

..2

ORDER

ORAL ORDER (PERMISSIONABLE SHRI R. RANGARAJAN : MPPR (ADMN.))

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, in 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 combined enquiry. Thus at the initial stage itself the enquiry was vitiated.

6. The second contention of the applicant in this OA is that <sup>Copy of OA</sup> the disciplinary authority while forwarding the enquiry report to him had come to a preconceived motion that the applicant is liable to be dismissed from service. Such a preconceived motion is not warranted. The disciplinary authority should decide the case judicially after getting his defence statement on the enquiry report. Till such time <sup>him</sup> the defence statement is not received by the applicant the disciplinary authority cannot conclude or take a preconceived motion in regard to the punishment to be awarded to the applicant. Hence, the proceedings are once again vitiated because of the preconceived motion 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> not supplied to him and <sup>Was</sup> rejected <sup>as</sup> ~~it is an official record.~~ Such rejection is not warranted as that is <sup>and</sup> all the relied upon document <sup>atleast</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.

16

1

4

(A.Y.)

No

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 ~~issue~~ <sup>only</sup> 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:-

appellate

The applicant should submit a detailed ~~representation~~ to the appellate authority including the contentions raised in this OA within a fortnight from to-day. If such ~~representation~~ is received two months from the date of receipt of a copy of that ~~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

Mr.  
न्यायालय प्रबिकारी  
COURT OFFICER  
न्यायालय प्रशासनिक अधिकारी  
Central Administrative Tribunal  
न्यायालय नियंत्रण  
HYDERABAD BENCH

(A.Y.)  
(A.Y.)  
(A.Y.)

Telephone : 3518621

ALL INDIA GOVT. SERVANTS

Garrison Bazaar, P.O. 671001  
Golconda, Hyderabad-500 008

2009/3071/32A

Sup. 7

Sir, Jabbar Ahmad Khan, Raz (NHS-180852)  
Quarter No 145/1  
Old MD Lines  
Hyderabad-500 008

VACATION OF 20/08/97 AT MARIL RD ACCOMMODATION  
QUARTER NO 145/1, OLD MD LINES, HYDERABAD

1. Reference your application dated CG Sep 97.
2. Request for retention of ad accommodation for 4 months to be acceptable in terms of Para 2 of SRO 308 of 1978 as intimated to you vide our letter No 2009/3071/32A dated 30 Aug 97.
3. You are hereby instructed to vacate the accommodation forthwith.

(Punit G. T.)  
Major  
Garrison Bazaar

Copy to :-

Station HQ Secunderabad  
Extension Office Golconda  
Hyderabad-500 008

1. Art our letter No 2009/3071/32A dated 30 Aug 97 and C/W Secunderabad letter No 21704/Allot/106/32A 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/Allot/106/32A dated 05 Sep 97.

AAO G2 Golconda

BSC Golconda

AGE E/M Golconda

Internal

SI Section

V  
K

Telephone: 3515611

卷之三

Carlson, Englehardt's wife,  
of course, "the Captain," the

8

2008/ 11/ 16 14:46

Shri Rappa Rao, M.A. (Mysore University)  
Quarter No. 13/1.  
Old Rd. Litter  
Hyderabad 400 002.

卷之三

1. Reference your application dated 09 Sep 97.
2. Request for extension of current accommodation. The not acceptable in sec 3 of para 2 of SAR 308 of 1991. You vide our letter no 75/3671/21 dated 30 Aug 97.
3. You are hereby advised to vacate the accommodation forthwith.

(Punt 3 U-  
Major  
Tammie)

Copy to:

station No. 12, Secunderabad  
Extension Office, Secunderabad  
Hyderabad-500 006

At our Lecture on 10th  
Aug 97 and 11th, 1997  
Lecture 16 2170a/Alleluia/1000  
65 3-2 97,

CWE Security Guide

AO G<sub>2</sub> G<sub>1</sub>cond<sub>2</sub>

BSO Colección

234  Golcond &

## Integrated

## 4. Section

IN THE CETRAL 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

✓

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>Care</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:-

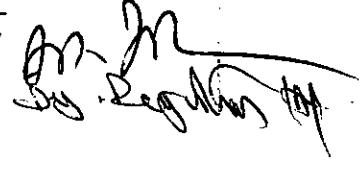
The applicants should be permitted to retain the quarters for one month after the disposal of the appeals referred to above on payment of double the normal rent. After the expiry of the above said period, they should vacate the quarters.

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

f. The Information Officer, M&B, GOCODS, Hyderabad.

g. The Station Head, M&B, Office of the Station Head, GOCODS, Secunderabad.

h. Extension Officer, GOCODS, Hyderabad, HYD.

i. One copy to Mr. K. Venkateswaran Rao, AGO, CAT, HYD.

j. One copy to Mr. N.R. Devaiah, Sr. Sec, CAT, HYD.

k. One copy to the D.R. (A).

l. One copy to the GOC.

Urgent

Copy to

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

Upr.

6/10/97  
CCX/00001  
16  
Prepared By  
Approved By

In the Central Administrative Tribunal  
Hyderabad

The honorable Shri R. Gangaram S(A)

and

~~The honorable Shri R. Gangaram S(A)~~  
R(3)

Date: 19-9-97

~~RECEIVED / DESPATCH~~

~~RECEIVED / DESPATCH~~

in

Case No. 1239/97

APPLIED FOR IN THE DIRECTOR OF ESTATE  
ALLAHABAD  
RELEASING OF WITH DIRECTOR  
16/10/97  
ALLAHABAD  
RELEASING OF DIRECTOR IN  
CASE NO. 1239/97 DEFAULT  
OF P.D. 1239/R. 3. 11/97  
NOTIFICATION TO CEDAR,

YUKTA

II COURT

