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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

O.A.No.458/99.

Date of Decision: 08-03-2000.

Veer Brahma

..Applicant.

Vs

1. The Director,
Directorate of Co-ordination
(Police Wireless) Block No.9,
C.G.O.Complex (Central Government
Office Complex), Lodhi Road,
New Delhi-110 003.
2. The Union of India, rep. by the
Secretary to Min. of Home Affairs,
Govt. of India, New Delhi.
3. The Extra Assistant Director,
I.S.P.W. Station, AP Secretariate at
Hyderabad.
4. The Station Superintendent,
Inter State Police Wireless Station,
Jammu. ..Respondents.

Counsel for the applicant : Mr.K.Venkateswara Rao

Counsel for the respondents : Mr.B.N.Sharma,Sr.CGSC.

CORAM:-

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

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

ORDER

ORAL ORDER (PER HON. SHRI R. RANGARAJAN : MEMBER (ADMN.)

Heard Mr.K.Venkateswara Rao, learned counsel for
the applicant and Mr.B.N.Sharma, learned counsel for the
respondents.

2. While the applicant was working as Technical
Assistant (Maintenance) in the Inter State Police Wireless
Station (ISPW for short), Hyderabad was transferred to the
Inter State Police Wireless Station, Jammu in May, 1998 and
he joined there on 2-7-98. At Hyderabad he was allotted
Staff Quarter No.III/3 of Inter State Police Wireless
Station. The applicant did not vacate the quarter and

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joined at Jammu and prayed for allowing him to retain the quarter, which has been refused by the order No.A.16011/HD/98.ADMN.I dated 5-8-98 (Annexure-I). By the impugned order No.A.16011/HD/98-Admn.I dated 12-11-98 (Annexure-II) the ^{of damage rent} recovery was also initiated. By the impugned memorandum No.A.13019/I(V-5)/94-Admn.I dated 13-11-98 (Annexure-III) a notice was issued asking for his explanation as to why disciplinary action should not be initiated against him for unauthorised occupation of the quarter.

3. This OA is filed praying for setting aside the order dated 5-8-98 (Annexure-I), 12-11-98 (Annexure-II) and 13-11-98 (Annexure-III) and for a consequential declaration that the applicant is entitled to retain the Government quarter No.III/3 of I.S.P.W.Station, Hyderabad on payment of Flat rate/normal licence fee in accordance with O.M. 12035/31/96 Pol.II dated 7-9-98 of the Ministry of Urban Affairs and Employment, Directorate of Estates as adopted by the Ministry of Home Affairs and Employment Directorate of Estates in Office Memorandum No.12035/2/90-Pol.II (Part-II) dated 15-9-98 communicated by Lr.No.A.16011/1/98-Admn.I dated 22-10-98 by the Government of India, Min. of Home Affairs, Directorate of Coordination (Police Wireless) New Delhi from the date of his transfer viz., 28-05-98 and refund of the already recovered damage rent amounting of Rs.2,941/- PM from 28-7-98 onwards.

4. An interim order was passed in this OA on 24-3-99. The said interim order reads as follows:-

"By way of Interim measure the respondents are directed to abstain from forcibly evicting the applicant or his family members from the quarters which is allotted to them and which is in their possession at present.

The respondents are also directed not to





recover any rent in excess of 1½ times which is a normal rent to be paid in the given circumstances."

5. A reply has been filed in this OA. The learned counsel for the respondents submits that the applicant having transferred cannot retain the quarter and if he retains the quarter beyond the permissible limit he has to pay damage rent in accordance with law. Further, relying on the circular No.A-18011/GENL/96-Admn.I dated 13-11-96 (Annexure R-3 to the reply) he submits that he cannot be accommodated in the General Pool accommodation. For these reasons the respondents submit that the OA is liable to be dismissed.

6. The applicant requests for retention of the quarter i.e., Quarter No.III/3 on compassionate ground as his family is retaining ^Q at Hyderabad and he has to stay in Hostel Accommodation in Jammy & Kashmir due to the conditions prevailing in the Jammu & Khashmir State. Further, he submits that in view of the circular issued in the year 1999 he is also eligible to get General Pool accommodation.

7. It is not for us to decide whether compassionate should be shown to the applicant for retention of the quarter No.III/3. It is for him to approach the appropriate authority for getting the necessary relief pleading his case ^{on} various grounds applicable to him. Though the applicant submits that he has submitted representation in the year 1998, no such representation is available before us. Hence, the applicant if so advised may submit a detailed representation taking all the contentions available to him and submit a representation to the appropriate authority within a period of fortnight from the date of receipt of a copy of this order. If such a

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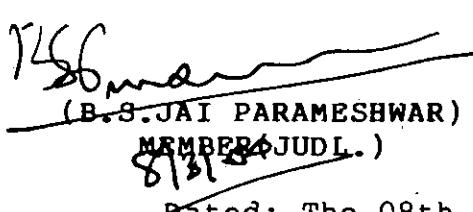
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representation is received by the appropriate authority then the same should be considered in accordance with law preferably sympathetically within a period of two months from the date of receipt of a copy of that representation. Till such time the interim order passed in this OA on 24-03-99 will be in force.

8. As regards his request for allotment to General Pool accommodation ^{he} is at liberty to take up his case ^{with} to the appropriate authority for allotting him general pool accommodation. No order is necessary in this connection as it was not available till 1999. But the applicant submits the same was made available to others also by a circular in the year 1999.

9. The OA is ordered accordingly. No costs.


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


(R. RANGARAJAN)
MEMBER(ADMN.)

Dated: The 08th March, 2000.
(Dictated in the Open Court)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO

1. HONJ THE HON'BLE MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN

2. HRRW (ADMIN) MEMBER. THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMIN)

3. HBSJP. M. (JUDL) THE HON'BLE MR. B.S. JAI PARSHESHWAR

4. D.R. (ADMN) MEMBER (JUDL)

5. SPARE ✓

6. ADVOCATE

7. STANDING COUNSEL DATE OF ORDER 8/3/2001

MA/RAY/CH.NO

IN

C.A. NO. 458199

ADMITTED AND INTERIM DIRECTIONS,
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

(grape)

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO

1. HDHNC
2. HARN (ADMN) MEMBER. THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)
3. HBSJP. M. (JUDL)
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

THE HON'BLE MR. B.S. JAI PARAGESHWAR
MEMBER (JUDL)

DATE OF ORDER 8/3/2000

MA/RM/LP. NO

IN

C.A. NO. 458/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

(8 copies)

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TILDS

मेंट्रल एडमिनिस्ट्रेशन बिल्डिंग
Central Administrative Tribunal
प्रेस / DESPATCH

16 MAR 2000

हैदराबाद न्यायालय
HYDERABAD BENCH