

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH
J A I P U R .

OA 330/1995

Date of order: 5.2.1996

Gopi Lal Bairwa

: Applicant

Versus

Union of India & Ors

: Respondents

Mr. Mukesh Kumar, counsel for the applicant
Mr. M. Rafiq, counsel for the respondents

CORAM:

HON'BLE SHRI RATTAN PRAKASH, MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE SHRI RATTAN PRAKASH MEMBER (JUDICIAL))

The applicant herein Shri G.L.Bairwa has approached this Tribunal under Section 19 of the Administrative Tribunal's Act, 1985 for cancellation of the order of the respondents dated 23.5.1995 (Annexure A-4) cancelling the allotment of Government House No.II/369 A.G.Colony, Bajaj Nagar, Jaipur with an alternative prayer to direct the respondents to allot another house at ground floor as per the entitlement of the applicant. The applicant has also sought interim direction at the time of filing of the OA. Accordingly, vide order dated 28.7.1995 the respondents were directed not to evict the applicant from the Government accommodation occupied by him till the next date and the same stay has continued till to-day.

2. Facts leading to this application in brief are that the applicant is a permanent employee of the respondents and is presently working as Senior Auditor

under control of the non-applicants at Jaipur. He was allotted the government accommodation in question vide order dated 17.11.1989 (Annexure A-1) on conditions mentioned therein. Vide letter dated 2.3.1995 the said officer Accountant General (AG) Rajasthan, Jaipur informed the applicant that some neighbour of the applicant had made a complaint to the respondents of quarrelling with them. Accordingly the respondents asked the applicant to vacate the accommodation vide their letter dated 2.3.1995 (Annexure A-2). The applicant submitted a detailed representation dated 13.3.1995 (Annexure A-3) but the respondents cancelled the allotment of the Government accommodation aforesaid vide their impugned order dated 23.5.1995 (Annexure A-4). He submitted another representation on 29.5.1995 and then to the Accountant General (AG) Rajasthan Jaipur dated 31.5.1995 (Annexure A-5). However, all the representations have went futile and hence he has been constrained to file the present OA to claim the aforesaid reliefs.

3. The respondents contested this application by filing a written reply to which the applicant has not filed any rejoinder. The respondents stand has been that in view of the complaints of the neighbours and after considering all the pros and cons of the matter the applicant was allotted another accommodation vide their order dated 11.10.1994 but he did not occupy and hence they

Re - have been constrained to issue impugned order

dated 23.5.1995 (Annexure A-4) as the applicant has violated the conditions of the allotment order.

4. With the consent of the learned counsel for the parties, the OA is being disposed of at the stage of admission itself.

5. During arguments, it has come out clearly that inspite of allotment of an alternative accommodation by the respondents the applicant has failed to occupy the alternative accommodation although the order was kept alive till December, 1994. The learned counsel for the applicant states that it was because of the death of the brother of the applicant that he could not occupy the alternative accommodation.

6. Be that as it may, it is an admitted fact that the applicant has been residing in the allotted accommodation since 1989. Even the respondents have indicated in their letter dated 3.7.1995 (Annexure A-9) that the applicant may apply for the panel to be constituted for the year 1996.

7. I feel that since the applicant is a permanent employee of the respondents, it would be in the fitness of things that he makes an application to the respondents for empanelment of his name within one week from to-day, in the panel to be constituted for the year 1996. Although the date fixed for inclusion of name in the 1996 panel has come to an end on 31st December, 1995, yet in view of the peculiar

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Arvind
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