

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 20.05.2016

OA No. 291/00340/2016

Dr. Saugath Roy, counsel for applicant.

1. The matter relates to vacation of residential accommodation in the MES at Nasirabad (Ajmer).
2. Heard. Counsel for applicant submitted that the applicant is working as Electrician Higher Scale (II) at GE, MES, Nasirabad, Ajmer. Vide Annexure A/2 letter dated 21st February, 2005, the applicant was allotted quarter No. EM 6/2 (Type-II), MES Colony, Ajmer Road, Nasirabad and thereafter in view of renovation required in the said accommodation, he was allotted quarter No. EM-5 (Type-III), MES Colony, Nasirabad vide letter dated 23.12.2015 (Annexure A/3), and he was directed to vacate the accommodation EM 6/2 (Type-II) MES Colony, Nasirabad by 02nd January, 2016. However, vide Annexure A/1 order dated 26th April, 2016, the applicant has been warned to vacate the quarter No. EM-5, Type-III, MES Colony, Nasirabad by 05th May, 2016 stating that he is occupying this quarter in illegal manner, which was given to him for his son's ceremony only for 15 days and he has been declared an unauthorized occupant w.e.f. 16th February, 2016 and damage rent is to be charged from the applicant. Counsel for applicant further submitted that Rs. 20,000/- has already been deducted from the salary of the applicant towards

damage rate of L.F., as may be seen from pay slip Annexure A/4. In this regard, counsel for applicant submitted that in fact accommodation no. EM-5, Type-III, MES Colony, Nasirabad was allotted to the applicant because of renovation of earlier accommodation No. EM 6/2 (Type-II), MES Colony, Nasirabad and asking him to vacate accommodation no. EM-5, Type-III, MES Colony, Nasirabad without giving him any alternative accommodation, is not fair and, therefore, the applicant immediately submitted a representation dated 04.05.2016 (Annexure A/5) before the respondent no. 2 and the same is pending. He further prayed for interim relief for staying the effect and operation of the impugned order dated 26th April, 2016 (Annexure A/1).

3. Considered the aforesaid contentions and perused the record. It appears that representation dated 04.05.2016 (Annexure A/5) submitted by the applicant is still pending with the respondents and, therefore, it is deemed appropriate to dispose of the OA, at admission stage itself, without going into the merits of the case lest it prejudice the case of either side, with certain directions. Accordingly, it is directed that -

(i) the respondent no. 2, to whom the representation dated 04.05.2016 (Annexure A/5) has been submitted by the applicant, may consider the case of the applicant and decide the said representation dated 04.05.2016 (Annexure A/5) by a reasoned and speaking order in accordance with law at the earliest and preferably within one month from the date of receipt of a copy of this order,

(ii) the applicant is also directed to supply a copy of this order and complete copy of paper book/OA within a week from today to facilitate the respondent no. 2 to take expeditious decision in the matter,

(iii) if required, the applicant may elaborate his representation by making another representation within a week from today, which shall also be decided by the respondent no. 2 while taking a decision on representation dated 04.05.2016 (Annexure A/5),

(iv) till the decision on the representation dated 04.05.2016 (Annexure A/5) or any more elaborate representation submitted by the applicant as per (iii) above, no further prejudicial action against the applicant be taken by the respondents pursuant to Annexure A/1 order dated 26th April 2016.

4. In view of the limited relief being granted, the requirement of issue of notices to the respondents is dispensed with.

With these observations and directions, the Original Application is disposed of at admission stage itself, with no order as to costs.



(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER