

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.NO. 211 of 1997

DATE OF DECISION....7:5:99.....

Sri Bikash Ranjan Bhattacharjee

(PETITIONER(S))

Mr. Manik Chanda

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Mr. A. Deb Roy, Learned Sr. C. G. S. C.

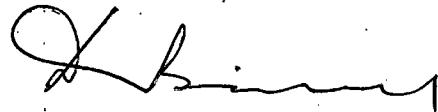
ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR. JUSTICE D.N.BARUAH, VICE-CHAIRMAN.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.



8

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 211 of 1997.

Date of decision This the 7th day of May, 1999.

Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman.

Shri Bikash Ranjan Bhattacharjee,
Son of Birendra Kumar Bhattacharjee,
Working as Stenographer in the
office of the North Eastern Council,
Shillong.

Applicant

By Advocate Mr. M. Chanda.

-versus-

1. Union of India,
Through the Secretary,
Government of India,
Ministry of Home Affairs,
New Delhi
PIN 110011

2. Secretary,
North Eastern Council Secretariat,
Shillong.

3. Deputy Secretary,
North Eastern Council Secretariat,
Shillong

Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O R D E R

BARUAH J. (V.C.)

The applicant is a Grade-III Stenographer in the North Eastern Council Secretariat, Shillong. His wife is suffering from Tuberculosis. According to the applicant as per provisions of Rule he is entitled to get Govt. accommodation out of turn. In spite of repeated requests Govt. accommodation has not been allotted. Hence the present application.

2. In due course respondents have entered appearance and filed written statement.

183

Contd...

3. Heard Mr. M.Chanda, learned counsel appearing on behalf of the applicant and Mr. A.Deb Roy, learned Addl. C.G.S.C. Mr. Chanda submits that the wife of the applicant is suffering from Tubercolosis, Annexure-II series are medical certificates. In para 6.2 the applicant has stated as follows :

"The wife of the applicant Mrs. Champa Bhattacharjee, aged about 32 years is suffering from Tubercolosis since October, 1996. Applicant's wife Mrs. Champabati Bhattacharjee is under constant medical treatment under D.S. Sethi and also under Dr. Basab Roy. The applicant being a low paid employee some how he has managed a most unhygienic small rented accommodation at Laitumkhrah, Shillong but the condition of the said rented house is not at all suitable considering the deteriorating health condition of the wife of the applicant....."

4. In the written statement the respondents have answered the paragraph 6.2 of the application as follows :

"That with regard with regard to the statements made in paragraphs made in paragraphs 6.1 & 6.2 of the application the Respondents have not comments."

In Swamy's F.R.S.R., Part-I, 1994 Edition in the provisions of S.R. 317-B-9 it has been referred to as follows :

"Out of turn allotment on medical grounds.

For TB and Cancer - In case of pulmonary TB and Cancer, illness of the Government servant and his own family, i.e. wife/husband and the children should alone be considered for the concession of ad hoc allotment."

Under the said provision of the rule, the applicant is entitled to Govt. accommodation out of turn. In spite of repeated requests this benefit has not been given to the applicant. Mr. Deb Roy, learned Sr. C.G.S.C. very candidly submits that under provisions of rule, if the wife of the applicant is actually suffering from Tubercolosis, he is entitled to Govt. accommodation out of turn.

DR

5. On hearing the counsel for the parties I dispose of this application with direction to the respondents to allot a Govt. accommodation out of turn which he is entitled to and this must be done immediately at any rate within a month from the date of receipt of this order.

6. Considering the facts and circumstances of the case, I, however, make no order as to costs.



(D.N.BARUAH)
Vice-Chairman

trd