

30/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4

( See Rule 42 )

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 23/2000

OF 199

Applicant(s) P.C. Chakro Alexandere

Respondent(s) Miss J. Laha and others.

Advocate for Applicant(s) Mr. M. Chanda.

Mr. A. Deb Roy,

Advocate for Respondent(s) Sr. C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p><u>Mention in court</u></p> <p>This application is in form and within time of F. of R. No. 45622 18-1-2000 NY 24/1/2000 24/1/2000 Note: Mention Case.</p>	24.1.2000	<p>Present : Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman and Hon'ble Mr. G.L. Sanglyine, Administrative Member.</p> <p>Four applicants have filed this single application with a prayer to allow them to join in this application under the provisions of Rule 4 (5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987. Perused the application. As the conditions made in the rule are fulfilled the prayer is allowed.</p> <p>Heard Mr. M. Chanda, learned counsel for the applicants and Mr. A. Deb Roy, learned Sr.C.G.S.C. for the respondents. Application is admitted.</p>

contd.....

Notes of the Registry	Date	Order of the Tribunal
	contd.	Issue notice on the respondents by registered post.
		List on 23.2.2000 for written statement and further orders.
		Mr. Chanda prays for an interim order. Mr. Deb Roy opposes the prayer. Heard counsel for the parties. On hearing the counsel for the parties it is ordered that the applicants shall not be evicted from their quarters until further orders.
		Records shall be produced on the next date.
		<div> <div>Member</div> <div>Vice-Chairman</div> </div>
<p>28. 1- 2020</p> <p>Service of notices prepared and sent to D. Section for issuing of the same to the respondents through Regd. Post with A/D.</p> <p>Vide D.Nos. 280 &amp; 281 283 Dtd- 31-1-2000.</p>	mk	
<p>Notice duly served on R. No. 2 &amp; 4.</p> <p>24.2.2000</p> <p>① Notice received back on R No. 3.</p> <p>② No written statement has been filed.</p> <p>7.3.2000.</p>	<p>25/1/2000</p> <p>23.2.00</p> <p>trd</p> <p>8.3.00</p>	<p>On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. two weeks time is allowed for filing of written statement.</p> <p>List on 8.3.00 for written statement and further orders.</p> <div> <div>Member</div> </div>
<p>23-3-00</p> <p>w/ statement is not seen filed.</p> <p>25/3/2000</p>	mk	<p>On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C., two weeks time is allowed for filing of written statement.</p> <p>List on 24.3.00 for written statement and further orders.</p> <div> <div>Member (J)</div> <div>Member (A)</div> </div>

Notes of the Registry	Date	Order of the Tribunal
	24.3.00	On the prayer of Mr.A.Deb Roy, Sr.C.G.S.C. two weeks time is allowed for filing of written statement. List on 10.4.00 for filing of written statement and further orders.  lm Member
28-3-2000  Written Statement has been filed by the respondents No. 1, 2, 3, 4.  Bon	10.4.00	Written statement has been submitted. List for hearing on 26.6.00.  mk Member
	26.6.00	There is no Bench today. Adj. on 1-12.9.00.  1970 h.
	12.9.00	No Bench. To be listed on 15.1.01.  1970 h.
	15.1.01	15.1 is a holiday. To be listed on 16.1.2001.  1970 h.
	16.1.2001	Present: Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman Hon'ble Mr K.K. Sharma, Administrative Member  This case is squarely covered by the decision rendered by this Bench on 21.12.2000 in O.A.No.49/1999, O.A.No.63/1999, O.A.No.68/1999, O.A. No.70/1999, O.A.No.71/1999 and a host of similar applications. In the light of the decision rendered in the aforementioned O.A.s and also in view of the judgment rendered by the Supreme Court in Civil Appeal Nos.1301-04 of 1990 disposed of on 6.9.2000, this application is dismissed for want of jurisdiction. The dismissal shall, however, not

Notes of the Registry

Date

Order of the Tribunal

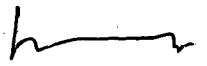
16.1.2001

preclude the applicants from seeking appropriate remedy in the appropriate forum as per law.

The interim order passed by this Tribunal earlier shall continue for one month from today to enable the applicants to take appropriate measure under the law.

No order as to costs.

K. C. Sharma  
Member(A)

  
Vice-Chairman

nkm

15.1.2001.  
Copy of the order  
has been sent to the  
D/Sec for Family  
the same to the  
L/Advocate for the  
parties.  
MS

24 JAN 2000

GUWAHATI BENCH  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL 6

## GUWAHATI BENCH

(An Application under Section 19 of the Administrative  
Tribunals Act, 1985).

Title of the Case : O.A. No. 23/2000

Shri P.C. Chacko Alexander : Applicants

&

Others

-vs-

Union of India & Others : Respondents

## I N D E X

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3	1	Order dt. 1.12.78	21
4	2	Order dt. 1.11.94	22
5	3	Notice dt. 25.2.99	23
6	4	<del>Notice</del> Representation dt. 15.3.99	24-25
7	5	Notice dt. 6.7.99	26
8	6	Notice dt. 9.7.99	27
9	7	Notice dt. 25.2.99	28
10	8	Notice dt. 21.9.99	29
11	9	<del>2x2x22</del> Notice dt. 3.9.99	30
12	10	Representation dt. 21.8.99	31
13	11	Notice dt. 25.2.99	32
14	12	Representation dt. 21.8.99	33
15	13	Notice dt. 28.8.99	34
16	14	Notice dt. 3.9.99	35

Contd.....

*Alexander*

Filed & the applic  
through Mr. K. Chandra Ad  
24.1.2000.

X

Sl.No.	Annexure	Particulars	Page No.
17	15	Notice dt. 21.9.99	36
18	16	Notice dt. 25.2.99	37
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21	19	Notice dt. 21.9.99	40-44
22	20	Letter dated 28.1.99	45
23	21	Scale of accommodation	46-47
24	22	Hon'ble Tribunal's order dt. 19.7.99 passed in O.A. 221/99	48-49

Date :

Filed by

Advocate

Abbas Ali

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

(An Application under Section 19 of the Administrative  
Tribunals Act, 1985).

Original Application No. 23/2000

BETWEEN

1. Shri P.C.Chacko Alexander  
Son of late P.C. Chacko  
resident of Quarter No. C/49,  
Phase-1, Narengi,  
presently working as Valve Man,  
Office of the Garrison Engineer,  
Military Engineering Service,  
Narengi Satgaon.
2. Shri Bhasan Chandra Halder  
Son of late Nagendra Halder  
resident of Quarter No. 78, Phase II,  
presently working as Electrician H.S. II,  
Office of the Garrison Engineer,  
Military Engineering Service,  
Narengi, Satgaon.
3. Shri Bhubaneswar Bhatta  
Son of late Jadav Ch. Bhatta,  
resident of Quarter No. 174, Phase II  
working as Electrician H.S.  
Office of the Garrison Engineer,  
Military Engineering Service,  
Satgaon, Narengi.

Contd....

K. S. Dey




4. Shri Ranjit Kumar Gupta  
Son of late Sita Ram Gupta  
resident of Quarter No. B/165,  
Phase I,  
working as Refrigerator Mechanic,  
Office of the Garrison Engineer,  
Military Engineering Service,  
Narengi, Satgaon.

..... Applicants

-AND-

1. Union of India,  
Represented by the Secretary  
to the Government of India,  
Ministry of Defence, South Block,  
R.K.Puram (Defence Quarter),  
P.O. New Delhi  
PIN 110011
2. Station Commander,  
51 Sub Area,  
C/o 99 APO
3. Garrison Engineer,  
583 Engineering Park,  
Narengi  
C/o 99 APO
4. Estate Officer,  
Station Headquarter,  
Narengi Camp, Narengi  
Guwahati.

..... Respondents



DETAILS OF THE APPLICATION

1. Particulars of orders against which this application is made.

This application is made against the impugned notice for eviction from the quarters issued by the Estate Officer, Guwahati (Narengi Camp), under the provision of Section (1) of Section 5 of the Public Premises (Eviction of unauthorised occupants) Act, 1971 directing the applicants to vacate their quarters which were allotted to them.

2. Jurisdiction of the Tribunal.

The applicants declare that the subject matter of the application is within the jurisdiction of the Hon'ble Tribunal.

3. Limitation

The applicants further declare that the application is within the limitation as prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

4.1 That the applicants are citizens of India and as such, they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicants are civilians in Defence Service working under the Garrison Engineer, Military

*Abu [Signature]*

Engineering Services, Ministry of Defence, Government of India.

4.3 That the applicants state that since they have similar grievance relating to this application, they may be permitted to move this application jointly before the Hon'ble Tribunal under Section 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

4.4 That the applicant No.1 is serving as Valveman under the Garrison Engineer, Narengi, Satgaon, Guwahati. He was initially allotted a Quarter No. C-70 vide order dt. 1.12.1978 by Station Headquarter, Narengi. Thereafter he was allotted quarter No. c-49 in the same locality in place of Quarter No. C-70. The applicant thereafter continuously residing in the said quarter with his dependent family members. But surprisingly a notice for eviction was issued in the name of the applicant No.1 on 25.2.1999. On receipt of the said notice for eviction the applicant submitted a representation dated 15.3.99 stating his difficulties to vacate the same and also prayed for allowing him to retain the said quarter. The respondents did not consider the prayer of the applicant and subsequently another notice was issued on 6.7.99. The applicant submitted another representation dated 9.7.99 praying interalia for retention of the said quarter. Thereafter the authority remained silent and did not take any action for ~~eviction~~ of the family of applicant from the said quarter. In the notice dt. 6.7.99

*Abhishek Singh*

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a specific time of 15 days was fixed for vacating the quarter. However the applicant approached the authorities vide his representation 9.7.99 praying inter alia to allow him to retain of his quarter. Thereafter the applicant was under the impression that the authority would allow him to stay in the said quarter. But surprisingly on 13.1.2000 it is informed verbally by the Administrative Commandant, Station Headquarter to vacate the quarter within 25.1.2000 failing which the authority will take necessary steps for eviction of the applicant and his dependent family members from the quarter No. C-49.

It is stated that the eviction notice was <sup>provision</sup> issued by the Estate Officer under ~~Section~~ (i) of Section 5 of the Public Premises (Eviction of unauthorised occupants) Act, 1971 directing the applicant to vacate the said premises within 15 days from the date of order. It is also stated that in the event of refusal or failure to comply with the order within the period specified therein all other persons concerned are liable to be evicted from the said premises if needed by use of such force as may be necessary. It is also stated that the Estate Officer has examined the case of the applicant's retention in the said quarter resulting deprivation the facilities of accommodation to serving soldiers for whom this accommodation were constructed with the intention to provide justice to entitled persons it has become necessary to vacate the quarter by the applicant for allotting the same to the

Alexander

entitled defence person. It is relevant to mention here ~~xxxxxx~~ that the applicant is a handicapped person and also having school and college going children.

A copy of the allotment order dt. 1.12.78 and 1.11.94, Notice dated 25.2.99, representation dated 15.3.99, Notice dt. 6.7.99, representation dated 9.7.99 are annexed as Annexures 1, 2, 3, 4, 5 and 6 respectively.

4.5 That your applicant No.2 is also a civilian employee serving in the capacity of Electrician H.S. II under the Garrison Engineer, Narengi, E/M Section at Narengi. He was initially allotted quater No. E/195 at Narengi, Satgaon by the Station Headquarter, However, subsequently he was allotted quater No. 78 in place of quarter No. E/195 on 19.7.1983 in the same locality. The applicant was duly allotted the aforesaid quater No. 78 on 19.7.1983 vide letter dated 19.7.83. Thereafter the applicant is continuously residing in the said quarter with his dependent family members. But surprisingly a notice of eviction was issued in the name of the applicant on 25.2.99 for vacating the said quarter as stated above in the case of the applicant No.1. Similarly another notice for eviction was served on the applicant on 14.8.99 and thereafter on 3.9.99 and 21.9.99 notices were issued for eviction of the applicant ~~from~~ from the quarter. However, the applicant submitted his representation dated 21.8.99 praying inter alia to allow him to stay in the said quarter alongwith his dependent family members. Thereafter nothing adverse was communicated to the applicant and as

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such the applicant was under the impression that he would be allowed to stay in the said quarter. But surprisingly on 13.1.2000 the applicant was verbally informed by the Station Headquarter to vacate the said quarter by 25.1.2000 failing which he should be evicted alongwith his dependent family members from the said quarter if necessary by using force. The applicant is having five sons and two daughters. Some of them are studying in school and the job entrusted with the applicant is of essential nature.

Copy of the notices dated 25.2.99, 21.9.99, 3.9.99 and the representation dt. 21.8.99 are annexed as Annexures-7,8,9 and 10 respectively

4.6 That your applicant No. 3 is also a civilian employee serving in the capacity of Electrician H.S. He was initially appointed in the year 1966 under Garrison Engineer, Narengi, Guwahati. The applicant was allotted quarter No. 174 on 3.7.84 at Narengi, Satgaon and thereafter he is continuously residing in the said quarter with his dependent family members. Surprisingly the applicant received an eviction notice dated 25.2.99 issued by the Estate Officer, Narengi for vacation of the said quarter. The applicant immediately thereafter submitted a representation dated 21.8.99 praying interalia to allow him to continue in the said quarter. However again~~ly~~ the Estate Officer served another three notices dated 21.8.99, 3.9.99 and 21.9.99 to the applicant. However he approached the Garrison Engineer, Narengi for allowing him to retain in the said

*Abinash Deka*

quarter with his dependent family members. The Garrison Engineer assured the applicant to take up the matter with the appropriate authority to allow him to retain the said quarter. The applicant was under the impression that Garrison Engineer, Narengi might have taken his case for consideration. But surprisingly on 13.1.2000 it is verbally informed by the office of the Station Headquarter, Narengi that he should vacate the said quarter which was allotted to him on 3.7.84 i.e. quarter No. 174 at Narengi, Saggaon. It is stated that the said quarter was duly allotted to him without any pre-condition. In the compelling circumstances finding no other alternative the applicant is approaching this Hon'ble Tribunal for a direction to the respondents to allow him to continue in the same quarter with his dependent family members.

Copy of the notice dt. 25.2.99, representation dated 21.8.99 and Notices dated 28.8.99, 3.9.99 and 21.9.99 are annexed as Annexures - 11,12,13,14 and 15 respectively.

4.7 That your applicant No.4 is also a civilian employee serving in the capacity of Refrigerator Mechanic. He was initially appointed in the year 1968. The applicant was duly allotted quarter No. B-185 at Phase-I, Narengi, Satgaon vide order dated 9.12.1992 although he was allotted quarter No. B-198 on 30.4.84. Thereafter he is continuously residing in the said quarter alongwith his dependent family members. ~~contin~~ ~~monsky~~ But surprisingly on 25.2.99 he was served a

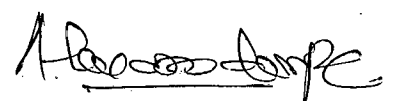
*Abu Asad Hossain*

notice for eviction from the said quarter within a specific period failing which he is liable to be evicted under the relevant rule under Public Premises Act 1971. Immediately thereafter on receipt of the said notice the applicant submitted his representation dated 27.2.99 praying inter alia to allow him to retain in the said quarter narrating the difficulties in the said representation. Unfortunately the applicant did not retain the copy of the representation dated 27.2.99. As such Hon'ble Tribunal may be pleased to direct the respondents to produce the same before the Hon'ble Tribunal at the time of hearing of this application. But the respondents did not consider the aforesaid representation of the applicant and issued three consecutive notices for eviction of the applicant dated 14.8.99, 3.9.99 and 21.9.99. On 13.1.2000 the applicant was verbally informed by the Station Headquarter that he should vacate the quarter within 25.1.2000 failing which he will be evicted from the quarter alongwith his family members.

In the compelling circumstances the applicant No.4 and the three applicants approaching this Hon'ble Tribunal for protection of their rights by setting aside the impugned notices for eviction issued the respondent from time to time.

Copy of the notice dt. 25.2.99, 14.8.99, 3.9.99 and 21.9.99 are annexed as Annexures-16, 17, 18 and 19 respectively, and also enclosed allotment orders as 19 A Series.

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4.8 That the applicants were allotted with their residential accommodation in accordance with Rules in force. Even after these allotments, quarters were allotted to the civilian employees serving in the department, Narengi, Satgaon, Guwahati. Civilians are entitled to have their quarter in accordance with the rules framed in this behalf. The quarters allotted to the applicants are in terms of Rules in force. Despite this, the Station Headquarter sought vacation of the quarters allotted to the applicants.

4.9 That the purpose of taking undertaking was that the quarters allotted to the applicants would be distributed to the defence personnels. This action is absolutely on extraneous reason as the civilian cannot be evicted from their quarters without providing alternative accommodation. The applicants further beg to state that the civilians working at Guwahati are eligible for allotment of quarter (known as married accommodation for Defence Civilians at Guwahati). The Govt. of India duly approved this accommodation, which was intimated by the Army Headquarters to the Station Headquarters, Guwahati where upon the Station Headquarters vide their letter dated 28.1.99 informed all concerned units. In view of this position allotment of quarter to the defence civilians, particularly applicants are working at Guwahati cannot be questioned in any manner whatsoever.

A copy of the letter circulated dated 28.1.99 by the Station Headquarter at Guwahati is annexed as Annexure-20.

*Abinash*

4.10 That as the applicants <sup>Submitted</sup> ~~did not submit~~ an undertaking as desired by the Station Headquarters, a proceeding under the provisions of the public premises (eviction of unauthorised occupants) ~~Notice~~ Act, 1971 was initiated against the applicants. Notice under sub Section (1) Clause (b) (ii) of Sub section (2) of Section 4 of the public premises (eviction of unauthorised occupants) Acts, 1971 was initiated against the applicants.

~~Copy of the~~

4.11 That your applicants beg to state the applicant No. 3 also submitted an undertaking that if his quarter is needed by the authority for public interest in that event he will vacate the same. But in the instant case of the applicants the vacation notice has not been issued on public interest. It is a total violation of the relevant rules on allotment of Government quarters. It is pertinent to mention here that the Defence Person (Civilian) are entitled quarter as per rule 15/quarter of every unit and the quarter allotted to the applicants in the instant case has not been exceeded the fixed quota of 15%. Therefore the notice for vacating the quarters does not arise but the same has been issued by the respondents with an ulterior motive in total violation of the relevant rules.

4.12 That your applicants beg to state that as per rule in force regarding allotment of quarter the civilian employees working in defence service are entitled 15% of the quarter which would be evident from the scale of accommodation for defence service 1983 issued by the Ministry of Defence, Government of India. In para 5 Chapter 61 wherein it is stated that in the column of

*Abbas*

married accommodation that civilian accommodation would be determined in each case on receipt of definite proposals from the local authorities for the purpose of planning. However 15% of the permanent strength of civilians in KLP and non-KLP units in the station would be taken as the ceiling, provided the accommodation is likely remain occupied for more than five years. The relevant portion of the scale of accommodation for defence service for 1983 is quoted below :

"SCALES OF ACCOMMODATION FOR DEFENCE SERVICE, 1983  
MINISTRY OF DEFENCE  
GOVT. OF INDIA

PART V, CHAPTER 61

Married Accommodation for civilians.

The scale of married accommodation for civilians paid from Defence service estimate including civilian personnel of Military Farms are given in Table 61.III.

Married accommodation for civilians will be provided at the stations given in Appendix 'F'.

The exact percentage of employees for whom accommodation will be provided will be determined in each case on receipt of definite proposals from the local authorities. For purpose of planning, however, 15 percent of the permanent strength of civilians in KLP and non-KLP units at the stations will be taken as the ceiling, provided the accommodation is likely remain occupied for more than five years.

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Married accommodation for key personnel including MES personnel will be provided at 100 percent at all stations. MES constructional staff will be provided accommodation to temporary specifications.

Married accommodation for civilian cooks, washerman, female sweepers and ayah employed in Military Hospitals will be provided at 30 percent of the sanctioned strength."

From above it is quite clear that the applicants are entitled 15% strength of the accommodation in particular unit and in the instant case it is categorically stated that the accommodation occupied by the civilian employees in the respective unit is far less than 15% of the strength. Therefore Hon'ble Tribunal be pleased to direct the respondents to produce the relevant records and details regarding strength of a unit of the individual applicant for perusal of the Hon'ble Tribunal. Therefore quarter/accommodation occupied by the present applicants which were duly allotted to them in terms of the relevant rules, therefore vacation notice is contrary to the rule in force and the same is liable to be set aside and quashed. *Interim order passed in similar cases in O.A. 22119 dt 19-7-99*

Copy of the scale of accommodation referred above is annexed as Annexure-21. and copy of the order dt 19-7-99 is enclosed as annexure-22

5. Grounds for relief(s) with Legal Provisions.

Being highly aggrieved by the order passed on the applicants for eviction from their respective quarters, under the provisions of Section 5 of the Public Premises

*Alexander*

(Eviction of unauthorised occupants) Act, 1971, the applicants beg to prefer this application on the following amongst other -

- G R O U N D S -

5.1 For that the impugned action of taking undertaking and subsequent action of initiating proceeding under the provisions of the Public Premises (Eviction of Unauthorised occupants) Act, 1971, is based on no reason. The applicants are civilians in Defence Force. According to the Rule in force they are entitled for quarter. Accordingly quarters were allotted to them in accordance with the procedure established by law. They cannot be evicted without providing any alternative accommodation. The proceeding initiated by the Estate Officer under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, was not at all maintainable. The applicants are not unauthorised occupants with respect to any public premises. Accordingly the entire proceeding under the provisions of the Public premises (Eviction of unauthorised occupants) Act, 1971 is liable to be set aside and quashed.

5.2 For that the action of the Estate Officer (Station Headquarters) is based upon extraneous reason - not material for the instant case. The Station Headquarters wants to allot the quarters to other

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*Alvando*

defence personnel and only for this reason the applicants are sought to be evicted from the quarters occupied by them. The action resorted by the Estate Officer is beyond his competence inasmuch as the applicants are not unauthorised occupants. A proceeding under the provision of the public premises (Eviction of unauthorised occupants) Act, 1971 cannot be initiated against a civilian having quarter in occupation, simply because allotting authority desires to allot the said quarters to defence personnel. If this action under the grab of a proceeding under Public Premises Act is allowed to be continued, it would be an arbitrary, whimsical and unfair action. It is opposed to the equality clause as enshrined in Article 14 of the Constitution of India.

- 5.3 That if the respondents are allowed to continue with this proposed action then the applicants would be deprived of their residential accommodation again at the procedure established by the law. The right of shelter of residential accommodation is within the ambit of Article 21 of the Constitution of India. No person should be evicted from his rightful accommodation. Any action which attempt to dislodge a person from his authorised occupation against the procedure established by law, it would effect the life of a person. The word 'live' as envisaged in Article 21 of the Constitution of India does not connote

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*Alexander*

the physical or biological existence of life only. One of the basic requirements to make life effective, the person concerned should have a decent place of living. Any action which attempts to dislodge a person from his residential accommodation against the procedure established by law would offend the provisions of Article 21 of the Constitution of India. The action resorted by the Estate Officer in evicting the applicants from the quarter in possession is undoubtedly against the procedure established by law. The purported procedure as depicted by the so-called proceeding under the provisions of the public premises Act is undoubtedly arbitrary and is based on no reason. Therefore the same is liable to be quashed.

- 5.4 That all the defence personnel and civilians in defence service are allotted with quarters from defence pool accommodation. So far the civilians are concerned, their accommodation is governed by allotment of residences (defence pool accommodation for civilian in defence services) Rules, 1978. The civilians at Narengi Camp are provided with the residential accommodation in accordance with the rules in force. Quarters allotted to the applicants do not suffer any vices whatsoever. Action resorted by the Station Headquarters cannot have any legal sanction simply because they want to allot the same to some defence personnel.

Contd...



- 5.5 That the impugned proceeding suffers from non application of mind. It is apparent from the impugned orders ~~dated~~ of eviction notice issued to the applicants. All the applicants expressed their difficulties to vacate the quarters. Despite, this, the Estate Officer in his impugned orders have been issued. The applicants also personally appeared before the Estate Officer, but nothing has been mentioned in the impugned orders. It is obvious that the impugned orders was a determined one. The same is being arbitrary, whimsical is liable to be set aside and quashed.
- 5.6 That the impugned orders were passed without fixing any date for personal hearing. This order is opposed to the principles of natural justice. The applicants have been deprived of their residential accommodation without having any opportunity of being heard.
- 5.7 For that the proceeding initiated by the Estate Officer (Station Headquarters) was a pre-determined one as the authority insisted the applicants to given an undertaking to vacate the quarter allotted to them. As the applicants complied with the desire expressed by the Estate Officer, they were exposed to a proceeding under the provisions of the public premises (Eviction of unauthoried occupants), Act, 1971. The proceeding so initiated by him was tinted with the element of bias. It

Contd....

K. Harindranath



cannot be construed as a fair proceeding.  
Accordingly, entire proceeding is liable to be  
set aside and quashed.

6. Details of the Remedy Exhausted.

That the applicants state that they have no  
other alternative and other efficacious remedy than to  
file this application. Representations through proper  
channel were submitted by the applicants requesting  
for retention their quarters which were duly allotted  
to them by the Estate Officer. But neither any relief  
was granted nor any reply to their representations have  
been received so far.

7. Matters no previously filed or pending with  
any other Court.

The applicants further declare that they had  
not filed previously any application, writ petition or  
suit regarding the matter in respect of which this  
application has been made, before any Court or any other  
authority or any other Bench of the Tribunal nor any  
such application, writ petition or suit is pending before  
any of them.

8. Reliefs sought for :

Under the facts and circumstances of the case,  
the applicants pray that Your Lordship's would be pleased  
to issue notice to the respondents to show cause as to  
why the relief sought for by the applicants shall not be  
granted, call for the records and after hearing the parties

Contd...

*Alexander Lopez*

on the cause that may be shown, be pleased to grant the following reliefs :

- 8.1 To direct the Respondents to allow the applicants to stay in their residential quarters duly allotted to them.
- 8.2 To quash the impugned proceeding of eviction initiated by the Estate Officer (Station Headquarters, Guwahati) under the provision of Public Premises (Eviction of unauthorised occupants), Act, 1971 vide impugned notices issued to the applicants, vide annexures 3, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18 and 19.

9. Interim Relief prayed for

The applicants pray that during pendency of this application, the operation of the impugned orders of eviction issued by the Estate Officer, Station Headquarters, Guwahati be stayed in respect of the applicants till disposal of this application, notices were issued vide annexures 3, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18 and 19.

10. ....

This application has been filed through advocate.

11. Particulars of I.P.O.

- |      |               |                     |
|------|---------------|---------------------|
| i.   | I.P.O. No.    | : O.G. 45677.       |
| ii.  | Date of Issue | : 18-1-2000.        |
| iii. | Issued from   | : G.P.O., Guwahati. |
| iv.  | Payable at    | : G.P.O., Guwahati. |

12. List of Enclosures

As stated in the Index.

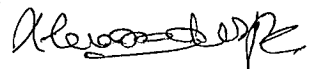
...Verification

*Alexander*

V E R I F I C A T I O N

I, P.C. Chacko Alexander, son of late P.C. Chacko, resident of quarter No. C/49, Phase - I, Narengi, presenly working as Valve Man, office of the Garrison Enginer, Narengi, Satgaon, Guwahati do hereby verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice. I have been duly authorised by the other applicants to verify the statements made in this application and I have not suppressed any material fact.

And I sign this verification on this the 24th day of January, 2000.



Signature

FORM OF HANDING/TAKING OVER BUILDINGS

I-F-1-27

STATION Naranga

Bungalow No. C/70 (Phase I)

Name, Rank and Unit of the occupant MES. 225209 JUNE PC Alexander V/Man 8

Basic Pay Rs. 236/- Gr. 148 in 655240/16

S per B/R Inventory

S per M Inventory

As per Furniture

Note Damages/Deficiencies only

- ① Window glass pane broken 1 no.
- ② Window complete pane 1 no.
- ③ Fridge glass door 1 no.
- ④ Globe missing - 2 nos.
- ⑤ Holder missing - 1 no.

Sig. of B/R Rep.

Sig. of M/R Rep.

Sig. of Fur. Rep.

pc Naranga  
 Handed over by Unit Rep/Officer  
 Date

Albano  
 17/1/18

FORM OF HANDING/TAKING OVER OF BUHLINGS

Station : *Chungi*

Paying authority :- *CDA*

Bldg No: *Ans CPA9*

Name & Rank of the occupant: *Mrs/225209 En. R. Alexander, Vman of J.E. Mary*

A/C No : Allotment Order No : *6552/14/93-17 Dec 94*

As per B/R inventerios

As per E/M Inventroies

As per fur D/L

① Back door damaged  
② Door for window of room damaged

① Club room of 2  
② Sh. door of 1st floor  
③ Bulky - XNB

\* *Ans*

*Ans of ceiling for with the Regulator*

HANDED OVER

DATE *1/11/94*

TAKEN OVER

*(Mrs. R. P.)*

*(R. Alexander) Vman*

23

Annex 3

## EVICTION NOTICE

FORM 'A'

Form of notice under sub-section (1) and clause (b)(ii) of sub-section (2) of Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

Shri/Shri/mti/Kur/ari PC Alexander  
Qtr No C/49  
Narangi Cantt

Whereas I, the undersigned, am of opinion, on the grounds specified below that you are in unauthorised occupation of the Public Premises mentioned in the Schedule below and that you should be evicted from the said premises.

## GROUND

The Defence pool accn qr No C/49 was allotted to you purely on temporary basis on humanitarian ground on 13 Apr 92 since it was lying surplus at that time.

Now, since the said accn is required for the authorised army personnel for whom these accn are primarily meant for, due to acute shortage of accn in station and large numbers of JCOs/OR in the waiting list, it has become necessary to get quarter No C/49 vacated occupied by you for further allotment to them.

Therefore, in pursuance of sub-section (2) of Section 4, I call upon you to show cause on or before the 08 Mar 99 why an order of eviction should not be made.

And in pursuance of clause (b) (ii) of sub-section (2) of Section 4, I also call upon you to appear before me in person or through a duly authorised representative capable to answer to material questions connected with the matter along with the evidence which you intend to produce in support of the cause shown on 08 Mar 99 at 1000h for personal hearing. In case, you fail to appear on the said date and time the case will be decided ex parte.

## SCHEDULE

Area bounded by survey No ----- and accommodation No C/49 at Phase I/Phase II Narangi Cantt.

Case No : 6552/A/Q3(FC)

Station Headquarters  
Guwahati (Narangi Cantt)

Dated : 25 February 1999

(VB Patil)  
Brigadier  
Estate Officer

Attested  
By  
Adm

24 Annexure-4  
From : MES/225209

Shri PC Alexander, Valve Man  
Office of the AGE E/M  
Narangi Cantt. Gwahati-27

To

Brig. VB Patil  
The Estate Office  
Station Headquarters  
Narangi Cantt.

Sub : REQUEST FOR RETENTION OF MARRIED ACON OR ALLOTMENT  
OF CIVIL MD ACON

Respected Sir,

1. With due respect and humble submission, I would like to submit the following few lines for your sympathetic consideration and favourable orders please.

2. I have been serving in AGE E/M Narangi as a valve man since 01 Feb '69 and have put in 30 years of service. I am a handicapped person ever since my childhood due to congenital deformity of my left leg. I am living peacefully with my wife and two school/College going childrens in quarter No C/49. I have been served with a vacation-cum-eviction notice vide HQ 51 Sub Area eviction order No. 6552/A/Q3(PC) dated 25 Feb '99. In this connection, I submit the following before you to give some more introspection in my case and arrive at a sympathetic and favourable decision please.

(a) I am hailing from Kerala and have no contact whatsoever with civilians outside the Cantt. area as I am staying in the Cantt. area peacefully since long.

(b) I am a handicapped person and I have to do shift duties of water supply to the Cantt. area.

(c) Water supply of this Cantt. area being an important aspects, in terms of present day security scenario, I understand that there may be anti-national/undesirable elements outside the Cantt. area who may blackmail if I stay outside Cantt. area in fulfilling their nefarious designs/intentions under threat of my own life and that of my family members if I do not fall prey to their evil designs. In this regard I must add that my life is no less risky than an army person.

(d) My wife is working as a Nurse in the family health centre phase II in the Cantt. Since we both are working in the same Cantt. area and my children are away from home everyday, there won't be anybody at home and whatever we have in our home will be taken away, if we stay outside the Cantt. It would be an unpleasant and most painful for us at this fag-end of my life and service if such an unpleasant act occurs.

(e) Being an handicapped person, please allow me to continue to stay in the Cantt. till my retirement in a few years time, as priority/humanitarian held to the genuine problems of every physically handicapped is considered by any organisation in our country.

contd...2..

3. In view of the above, I humbly request you to re-consider the vacation-cum-eviction order and permit me to retain the accn or allot me a civilian married accommodation ~~we~~ within the cantt. area. I understand that quarter No C-2 in Peer Baba Colony is being vacated shortly by the present occupant which may be suitable alternative arrangement if retention of quarter No. 4-49 is not feasible.

4. I do hope that my request will be considered sympathetically and favourably on humanity ground.

Tahnking you Sir,

yours faithfully,

Station : Narangi

*/s/ PC Alexander*  
( PC Alexander )

Dated : 15 Mar '99

Copy to :-

Adm Comdt.  
Station Hq  
Narangi Cantt.

- for information and necessary action please.

GS Narangi

- for information please.



## FORM 'B'

EVICTIION ORDER

Order under Sub-Section(1) of Section 5 of the Public Premises(Eviction of Unauthorised occupants) Act 1971.

Whereas I, the undersigned, am satisfied for the reasons recorded below that Shri/Smt PC Alexander is in unauthorised occupation of the Public Premises specified in the schedule below.

REASON

Now, therefore, in exercise of the powers conferred on me under Sub Section (1) & (2) of Section 5 of the Public Premises(Eviction of unauthorised occupants) Act, 1971, I hereby order the said Shri/Smt PC Alexander and all person who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above the said Shri/Smt PC Alexander and all other persons concerned are liable to be evicted from the said premises, if need be by the use of such force as may be necessary.

SCHEDULE

1. Refer to Eviction Notice No 6552/A/Q3(PC) dt 25 Feb 99 pasted on your quarter door as well as handed over by hand by Sub BK Garchar and Sub Kamal Singh

2. You have failed to report to the undersigned on or before 08 Mar 99 to produce in support to material question/present your case connected with the subject matter.

3. I have examined your case in detail. Your continued unauthorised stay is depriving the facility of accommodation to serving soldiers for whom this accn has been constructed. To provide justice to entitled defence persons it has become necessary to get quarter No C/49 vacated from you for further allotment to entitled person.

Case No : 6552/A/Q3N(PC)

Station Headquarters  
Guwahati(Narangi Camp)

06 Jul 99

(VB Patil)  
Brigadier  
Estate Officer

Attested  
Chander  
Adm.

27

Annexure - 6  
34

From : MSA/225209  
Sri PC Alexander,  
Valve Man,  
C/o GE Harangi (E/M)

The Estate Officer,  
Station Headquarters,  
Cauwathi (Harangi Camp)

SUB : REQUEST FOR RETENTION OF MARRIED ACCOMMODATION  
OR ALLOTMENT OF CIVILIAN MARRIED ACCOMMODATION

Respected Sir,

1. Reference:-

- (i) Your letter No. 6552/A/03(PC) dated 25-2-99.
- (ii) My application dated 15-3-99
- (iii) Your letter No. 6552/A/03(PC) dated 06-7-99.

2. With reference to your letter mentioned at reference (iii) above, I beg to submit the following few lines for your kind consideration and favourable orders please.

3. Sir, As directed by you vide your letter at reference (i) above I was present at your office on 08-3-99 alongwith other individuals of other units affected in this case and I have personally explained my difficulties and subsequently I have submitted an application dated 15-3-99 (copy enclosed), whereas I did not get a reply. Instead you have directed me to vacate the quarter No C/49 within 15 days.

4. In this connection it is submitted that I am a handicapped person (certificate attached) and a key personnel employee has to perform shift duty. Moreover, I have been entrusted with water supply duty commencing from 0030 hrs daily near by my quarter considering that I being a handicapped person.

5. Further more, I am having grown up school/college going children who are studying in my school as well as in college.

6. In view of the above, and taking into consideration of all the above aspects, I earnestly beseech your goodness that my case may please be ~~sympathetically~~ considered sympathetically and I may please be allowed to retain the quarter No C/49, so that I can discharge my duties peacefully.

Thanking you,

Yours faithfully,

Station : Narangi  
Dated 9 : 7 Jul'99  
Encls:-

- i) Application
- ii) Medical Certificate for Handicap.

*Alexander*  
( P C Alexander )

28

Annexure-7

35

## EVICTION NOTICE

FORM 'A'

Form of notice under sub-section (1) and clause (b)(ii) of sub-section (2) of Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

Shri/Shrimati/Kumari

Mr BC Halder

Qr No 78 Phase-II

Narangi Cantt

Whereas I, the undersigned, am of opinion, on the grounds specified below that you are in unauthorised occupation of the Public Premises mentioned in the Schedule below and that you should be evicted from the said premises.

## GROUNDS

The Defence pool accn qr No 78 Phase-II was allotted to you purely on temporary basis on humanitarian ground on 30 Jun 81 since it was lying surplus at that time.

Now, since the said accn is required for the authorised army personnel for whom these accn are primarily meant for, due to acute shortage of accn in station and large numbers of JCOs/OR in the waiting list, it has become necessary to get quarter No 78 Phase-II vacated occupied by you for further allotment to them.

Therefore, in pursuance of sub-section (2) of Section 4, I call upon you to show cause on or before the 08 Mar 99 why an order of eviction should not be made.

And in pursuance of clause (b) (ii) of sub-section (2) of Section 4, I also call upon you to appear before me in person or through a duly authorised representative capable to answer to material questions connected with the matter along with the evidence which you intend to produce in support of the cause shown on 08 Mar 99 at 1000h for personal hearing. In case, you fail to appear on the said date and time the case will be decided ex parte.

## SCHEDULE

Area bounded by survey No----- and accommodation No 78 Phase-II at PH/II/II/Phase II Narangi Cantt.

Case No : 6552/A/Q3(PC)

Station Headquarters  
Guwahati (Narangi Cantt)

Dated : 25 February 1999

(VB Fatil)  
Brigadier  
Estate Officer

Attested  
C. B. B. B.  
Adv

29

Annexure - 8  
96FORM 'B'EVICTON ORDER

Order under Sub-Section(1) of Section 5 of the Public Premises(Eviction of Unauthorised occupants) Act 1971.

Whereas I, the undersigned, am satisfied for the reasons recorded below that Shri/Smt BC Haldar is in unauthorised occupation of the Public Premises specified in the schedule below.

REASON

Now, therefore, in exercise of the powers conferred on me under Sub Section (1) & (2) of Section 5 of the Public Premises (Eviction of unauthorised occupants) Act, 1971, I hereby order the said Shri/Smt NP Singh and all person who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above the said Shri/Smt BC Haldar and all other persons concerned are liable to be evicted from the said premises, if need be by the use of such force as may be necessary.

SCHEDULE

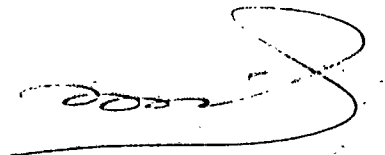
1. Refer to Eviction Notice No 6552/A/Q3(PC) dt 03 Sep 99 pasted on your quarter door as well as handed over by hand by No 13897984L Sep/MT Ram Niwas Katore, Stn HQ, Guwahati and JC-724354N Nb Sub Bhagwan Singh of 222 ABOD att with Stn HQ, Guwhati.

2. I have examined your case in detail. Your continued unauthorised stay is depriving the facility of accommodation to serving soldiers for whom this accn has been constructed. To provide justice to entitled defence persons it has become necessary to get quarter No 78 vacated from you for further allotment to entitled person.

Case No : 6552/A/Q3N(PC)

Station Headquarters  
Guwahati(Narangi Camp)

21 Sep 99

  
(VB Patil)  
Brigadier  
Estate Officer

Attested  
@  
ADJ

-25-30

Annexure-9  
ANNEXURE-12(a)

X  
3

FORM 'B'

EVICTIION ORDER

Order under Sub Section (1) of Section 5 of the Public Premises (Eviction of Unauthorised occupants) Act 1971.

Whereas I, the undersigned, am satisfied for the reasons recorded below that Shri/Smt BK Verma is in unauthorised occupation of the Public Premises specified in the schedule below.

REASON

Now, therefore, in exercise of the powers conferred on me under Sub Section (1) & (2) of Section 5 of the Public Premises (Eviction of unauthorised occupants) Act, 1971, I hereby order the said Shri/Smt BK Verma and all person who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above the said Shri/Smt BK Verma and all other persons concerned are liable to be evicted from the said premises, if need be by the use of such force as may be necessary.

SCHEDULE

1. Refer to Eviction Notice No 6552/A/03(PC) dt 16 Aug 99 pasted on your quarter door as well as handed over by hand by No 13897984L Sep/NT Ram Niwas Katara, Stn HQ, Guwahati and JC-724354N Nb Sub Bhagwan Singh of 222 ABOD att with Stn HQ, Guwahati.

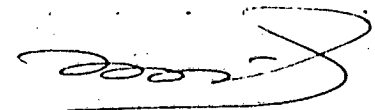
2. You have failed to report to the undersigned on or before 27 Aug 99 at 1000h to produce in support to material question/ present your case connected with the subject matter.

3. I have examined your case in detail. Your continued unauthorised stay is depriving the facility of accommodation to serving soldiers for whom this accn has been constructed. To provide justice to entitled defence persons it has become necessary to get quarter No B/222 vacated from you for further allotment to entitled person.

Case No : 6552/A/03N(PC)

Station Headquarters  
Guwahati (Naranyi Camp)

03 Sep 99

  
(VB Patil)  
Brigadier  
Estate Officer

Attested  
By  
Adv

31

Annexure - 8  
80 - 10

To  
✓ The Station Headquarters  
Guwahati (Narangi Camp)

(Through Proper channel)

**Sub : VACATION OF DEFENCE POOL ACEN ALLOTTED  
TO DEFENCE CIVILIAN**

Respected Sir,

1. In response to your HQ letter No. 6552/A/Q3N dated 14 Aug '99, I would like to submit the following for your kind information and sympathetic order please.

(a) That Sir, it is agreed to ~~xxx~~ me that the quarter No 78 (Phase II) was allotted to me on 30-6-81 by your HQ on humanitarian ground. By virtue of your kindness, I am along with my family member spent our life there nearly eighteen years. Since, I am occupying that quarter with proper authentication, it cannot be terminated as an unauthorised occupation and on the other hand the ~~needing~~ dues to the Govt. have also been paid by me regularly.

(b) In pursuance to your notice for ~~maxim~~ eviction vide No. 6552/A/Q3 (PC) dated 23-2-99, I had been appeared before you for hearing on 08 Mar '99 in person. After having been satisfied with my submission, your goodself advised me to furnished a "undertaking certificate" to cover up my case and assured that I will not be disturbed in future. Accordingly I had furnished the said certificate through my employer.

(c) Being electrician by trade my duty is involve round the clock and my availability within the cantt. area invariably required for running water supply/electric supply installation.

(d) There is a scarcity of civil area in the nearby <sup>area</sup> ~~once~~. It will be much difficult to get a private rented house with proper facilities.

(e) It has come to my knowledge from a reliable sources that about 36 ORs acen have been completed within the cantt. and those quarters are still lying vacant. In my conception, there shall not be any problem to your goodself to accommodate me ~~for the~~ <sup>for the</sup> in that particular acen.

With the above submission, I earnestly request your honour kindly to allow me to retain the said quarter atleast another two years on the humanitarian ground for which act of kindness I shall be remain ever grateful to you.

Thanking you in anticipation.

Yours faithfully,

*Bhalu*  
(BC Halar)  
Elect. HS-II  
C/o GE Narangi  
21/5/99

- for information please.
- With a request to intervene the matter please.

Copy to :-

HQ 51 Sub Area

Secretary,

All Assam MES Employees  
Union, Narangi

GE. Narangi

32  
Annexure-11  
39  
**EVICTIO NOTICE**

**FORM 'A'**

Form of notice under sub-section (1) and clause (b)(ii) of sub-section (2) of Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

Shri/Shr/mati/Kurari

Mr. P. Bhatt

Qtr No 174 Phase - II

Narangt Cantt

Whereas I, the undersigned, am of opinion, on the grounds specified below that you are in unauthorised occupation of the Public Premises mentioned in the Schedule below and that you should be evicted from the said premises.

**GROUND**

The Defence pool accn qr No 174 was allotted to you purely on temporary basis on humanitarian ground on 01 Jul 84 since it was lying surplus at that time.

Now, since the said accn is required for the authorised army personnel for whom these accn are primarily meant for, due to acute shortage of accn in station and large numbers of JCOs/OR in the waiting list, it has become necessary to get quarter No 174 vacated occupied by you for further allotment to them.

Therefore, in pursuance of sub-section (2) of Section 4, I call upon you to show cause on or before the 08-Mar-99 why an order of eviction should not be made.

And in pursuance of clause (b) (ii) of sub-section (2) of Section 4, I also call upon you to appear before me in person or through a duly authorised representative capable to answer to material questions connected with the matter along with the evidence which you intend to produce in support of the cause shown on 08-Mar-99 at 1000h for personal hearing. In case, you fail to appear on the said date and time the case will be decided ex parte.

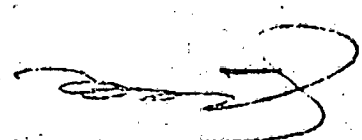
**SCHEDULE**

Area bounded by survey No----- and accommodation No 174 at 174/17/Phase II Narangt Cantt.

Case No : 6552/A/Q3(PC)

Station Headquarters  
Guwahati (Narangt Cantt)

Dated : 25 February 1999

  
(VB Fatil)  
Brigadier  
Estate Officer

*Attested*  
*Ch. D. A.*  
*gaw*

The Station Headquarters  
Guwahati (Narangi Camp)

(Through Proper channel)

Sub : VACATION OF DEFENCE POOL ACCN ALLOTTED TO DEFENCE  
CIVILIANS

Respected Sir,

In response to your HQ letter No 6552/A/031 (PC) dated 14-3-99, I would like to say the following few lines for favour of your kind consideration and favourable action.

- (a) That Sir, it is agreed to me that the Qt. No. 174 was allotted to me on 01 Jul'84 on humanitarian ground and on virtue of that I am residing in that quarter more than 14 yrs.
- (b) That Sir, on 03 Mar'99 while I am appeared before you for hearing in compliance to your order No 6552/4/03 (PC) dated 25 Feb'99 assured was given to me that I shall not be vacate the above quarter even I am furnishing a undertaking certificate which was furnished to you through my employer.
- (c) That Sir, I am an electrician by trade and it falls under the category of 'key personnel'. My service involved in the water supply/electric supply installation and so I have to perform round the clock duty. It is therefore, my availability within the cantt. area is invariably required.
- (d) There is a scarcity of civil accn in the nearby area and so it is very difficult to get a private rented accn. Further the hire charge is also very high.
- (e) It has come <sup>to</sup> my knowledge <sup>that</sup> the about 36 OR quarter have been completed in the Cantt. area I feels that its will not any problem to you in case the said quarter is remain under my occupation.
- (f) That Sir, I am in the vorse of retirement and it will take place during the last part of the next year.

2. Under the circumstances stated above, I earnestly request your honour kindly to re-consider my case with sympathetically on humanitarian ground and allow me to retain the said accn till my retirement. Otherwise it will become to me a bolt from the blue of the bag end of my bonafide defence service.

Thanking you in anticipation.

Yours faithfully,



( B Bhatt )  
Electrician HS II  
C/o OR Narangi

Station : Narangi

Dated : 21 Aug'99

Copy to :-

HQ 51 Sub Area  
C/o 99 APO

- for information please.

Secretary  
All Assam Employees Union  
Narangi Branch

- With a request to intervene into the matter please.



34

Amex-13

Station Headquarters  
Guwahati (Narangi Camp)

6552/A/Q3N(PC)

14 Aug 99

Mr B BhattaGE NarangiQr No 174 Phase IIVACATION OF DEFENCE POOL ACCOMMODATION ALLOTTED TO  
DEFENCE CIVILIANS EMPLOYEES

1. The Defence Pool accommodation Qr No 174 was allotted to you purely on temporary basis on humanitarian ground on 01 Jul 84 since it was lying surplus at that time.

2. Now, the said accommodation is required to be allotted to the authorised army personnel, for whom these accommodation are primarily constructed. Therefore, the qr No 174 Phase I is required to be vacated by 28 Aug 99. If the accommodation is not vacated by due date you will automatically be considered as unauthorised occupant of the accommodation.

3. In view of the above, you are requested to vacate the above quarter by 28 Aug 99.

*Drum K. Bhandari*  
(AK Bhandari)  
Col  
Adm Comdt  
for Stn Cdr

Copy to :-

HQ 51 Sub Area(Q) - for info please.

*Attested  
On 14/8/99  
for*

EVICTON NOTICEFORM 'A'

Form of notice under sub-section(1) and clause (b)(ii) of sub-section (2) of Section 4 of the Public Premises(Eviction of Unauthorised Occupants) Act, 1971.

Shri/Shrimati/Kugari

B Bhatta  
GE Narangi  
Guwahati(Narangi Camp)  
Qr No 174

Whereas I, the undersigned, am of opinion, on the grounds specified below that you are in unauthorised occupation of the Public Premises mentioned in the Schedule below and that you should be evicted from the said premises.

GROUND

The Defence pool accn:qr No 174 was allotted to you purely on temporary basis on humanitarian ground on 01 Jul 84 since it was laying surplus at that time.

Now, since the said accn is required for the authorised army personnel for whom these accn are primarily meant for, due to acute shortage of accn in station and large numbers of JCOs/OR in the waiting list, it has become necessary to get quarter No 174 occupied by you vacated for further allotment to them.

Therefore, in pursuance of sub-section (2) of Section 4. I call upon you to show cause on or before the 12 Sep 99 why an order of eviction should not be made.

And in pursuance of clause (b) (ii) of sub-section (2) of Section 4, I also call upon you to appear before me in person or through a duly authorised representative capable to answer to material questions connected with the matter along with the evidence which you intend to produce in support of the cause shown on 12 Sep 99 at 1000h for personal hearing. In case, you fail to appear on the said date and time the case will be decided ex parte.

SCHEDULE

Area bounded by survey No \_\_\_\_\_ and accommodation No Qr No 174 at Phase I/Phase II Narangi Cantt.

Case No : 6552/A/Q3(PC)

Station Headquarters  
Guwahati(Narangi Camp)

Dated : 03 Sep 99

(VR Patil)  
Brigadier  
Estate Officer

Attested  
By  
A.S.

36  
Annexure-15  
FORM 'B'

EVICTON ORDER

Order under Sub-Section(1) of Section 5 of the Public Premises(Eviction of Unauthorised occupants) Act 1971.

Whereas I, the undersigned, am satisfied for the reasons recorded below that Shri/Smt B Bhatta is in unauthorised occupation of the Public Premises specified in the schedule below.

REASON

Now, therefore, in exercise of the powers conferred on me under Sub Section (1) & (2) of Section 5 of the Public Premises (Eviction of unauthorised occupants) Act, 1971, I hereby order the said Shri/Smt NP Singh and all person who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above the said Shri/Smt B Bhatta and all other persons concerned are liable to be evicted from the said premises, if need be by the use of such force as may be necessary.

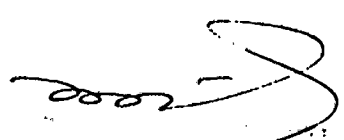
SCHEDULE

1. Refer to Eviction Notice No 6552/A/Q3(PC) dt 03 Sep 99 pasted on your quarter door as well as handed over by hand by No 13897984L Sep/MT Ram Niwas Katore, Stn HQ, Guwahati and JC-724354N Nb Sub Bhagwan Singh of 222 ABOD att with Stn HQ, Guwahati.
2. I have examined your case in detail. Your continued unauthorised stay is depriving the facility of accommodation to serving soldiers for whom this accn has been constructed. To provide justice to entitled defence persons it has become necessary to get quarter No 174 vacated from you for further allotment to entitled person.

Case No : 6552/A/Q3N(PC)

Station Headquarters  
Guwahati(Narangl Camp)

21 Sep 99

  
(VB Patil)  
Brigadier  
Estate Officer

*Attested  
Collector  
Adv*

37

Annex-16

44

**EVICTIION NOTICE**

**FORM 'A'**

Form of notice under sub-section (1) and clause (b)(ii) of sub-section (2) of Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

Shri/Shr/Amati/Kupari Ranjit Gupta  
Qtr No B/185  
Narangi Cantt

Whereas I, the undersigned, am of opinion, on the grounds specified below that you are in unauthorised occupation of the Public Premises mentioned in the Schedule below and that you should be evicted from the said premises.

**GROUND**

The Defence pool accn qr No B/185 was allotted to you purely on temporary basis on humanitarian ground on 09 Dec 92 since it was lying surplus at that time.

Now, since the said accn is required for the authorised army personnel for whom these accn are primarily meant for, due to acute shortage of accn in station and large numbers of JCOs/OR in the waiting list, it has become necessary to get quarter No B/185 vacated occupied by you for further allotment to them.

Therefore, in pursuance of sub-section (2) of Section 4, I call upon you to show cause on or before the 08-Mar-99 why an order of eviction should not be made.

And in pursuance of clause (b) (ii) of sub-section (2) of Section 4, I also call upon you to appear before me in person or through a duly authorised representative capable to answer to material questions connected with the matter along with the evidence which you intend to produce in support of the cause shown on 08-Mar-99 at 1000h for personal hearing. In case, you fail to appear on the said date and time the case will be decided ex parte.

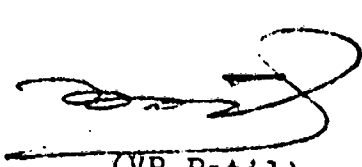
**SCHEDULE**

Area bounded by survey No ----- and accommodation No B/185 at Phase I/~~Phase I~~ Narangi Cantt.

Case No : 6552/A/Q3(PC)

Station Headquarters  
Guwahati (Narangi Cantt)

Dated : 25 February 1999

  
(VB Patil)  
Brigadier  
Estate Officer

Attested  
@  
25/2/99

38

Amusement 17

Station Headquarters  
Guwahati (Narangi Camp)

6552/A/03N(PC)

14 Aug 99

Mr RK Gupta

GE Narangi

Qr No B/185

VACATION OF DEFENCE POOL ACCOMMODATION ALLOTTED TO  
DEFENCE CIVILIANS EMPLOYEES

1. The Defence Pool accommodation Qr No B/185 was allotted to you purely on temporary basis on humanitarian ground on 09 Dec 92 since it was lying surplus at that time.

2. Now, the said accommodation is required to be allotted to the authorised army personnel, for whom these accommodation are primarily constructed. Therefore, the qr No B/185 is required to be vacated by 28 Aug 99. If the accommodation is not vacated by due date you will automatically be considered as unauthorised occupant of the accommodation.

3. In view of the above, you are requested to vacate the above quarter by 28 Aug 99.

*Manu K. Bhandari*  
(AK Bhandari)  
Col  
Adm Comdt  
for Stn Cdr

Copy to :-

HQ 51 Sub Area(Q) - for info please.

AH-est-d  
@Lila  
B.W.

39  
Dm-18

EVICTIION NOTICE

FORM 'A'

Form of notice under sub-section(1) and clause (b)(ii) of sub-section (2) of Section 4 of the Public Premises(Eviction of Unauthorised Occupants) Act, 1971.

Shri/Shrimati/Kupari

RK Gupta  
GE Narangi  
Guwahati(Narangi Camp)  
Or. No. B/185

Whereas I, the undersigned, am of opinion, on the grounds specified below that you are in unauthorised occupation of the Public Premises mentioned in the Schedule below and that you should be evicted from the said premises.

GROUND

The Defence pool accn qr No B/185 was allotted to you purely on temporary basis on humanitarian ground on 09 Sep 92 since it was laying surplus at that time.

Now, since the said accn is required for the authorised army personnel for whom these accn are primarily meant for, due to acute shortage of accn in station and large numbers of JCOs/OR in the waiting list, it has become necessary to get quarter No B/185 occupied by you vacated for further allotment to them.

Therefore, in pursuance of sub-section (2) of Section 4. I call upon you to show cause on or before the 12 Sep 99 why an order of eviction should not be made.

And in pursuance of clause (b) (ii) of sub-section (2) of Section 4, I also call upon you to appear before me in person or through a duly authorised representative capable to answer to material questions connected with the matter along with the evidence which you intend to produce in support of the cause shown on 12 Sep 99 at 1000h for personal hearing. In case, you fail to appear on the said date and time the case will be decided ex parte.

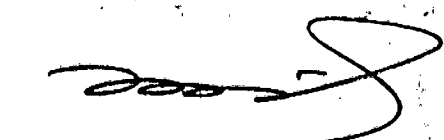
SCHEDULE

Area bounded by survey No \_\_\_\_\_ and accommodation No Or No B/185 at Phase I/Phase II Narangi Cantt.

Case No : 6552/A/Q3(PC)

Station Headquarters  
Guwahati(Narangi Camp)

Dated : 03 Sep 99

  
(VB Patil)  
Brigadier  
Estate Officer

Attested  
Calder  
Bd

40  
Dmmtu-19  
FORM 'B'

EVICTIION ORDER

Order under Sub-Section(1) of Section 5 of the Public Premises(Eviction of Unauthorised occupants) Act 1971.

Whereas I, the undersigned, am satisfied for the reasons recorded below that Shri/Smt RK Gupta is in unauthorised occupation of the Public Premises specified in the schedule below.

REASON

Now, therefore, in exercise of the powers conferred on me under Sub Section (1) & (2) of Section 5 of the Public Premises (Eviction of unauthorised occupants) Act, 1971, I hereby order the said Shri/Smt NP Singh and all person who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above the said Shri/Smt RK Gupta and all other persons concerned are liable to be evicted from the said premises, if need be by the use of such force as may be necessary.

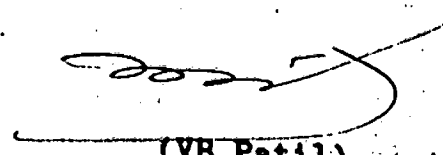
SCHEDULE

1. Refer to Eviction Notice No 6552/A/Q3(PC) dt 03 Sep 99 pasted on your quarter door as well as handed over by hand by No 13897984L Sep/MT Ram Niwas Katare, Stn HQ, Guwahati and JC-724354N Nb Sub Bhagwan Singh of 222 ABOD att with Stn HQ, Guwhati.
2. I have examined your case in detail. Your continued unauthorised stay is depriving the facility of accommodation to serving soldiers for whom this accn has been constructed. To provide justice to entitled defence persons it has become necessary to get quarter No B/185 vacated from you for further allotment to entitled person.

Case No : 6552/A/Q3N(PC)

Station Headquarters  
Guwahati(Narangti Camp)

21 Sep 99

  
(VB Patil)  
Brigadier  
Estate Officer

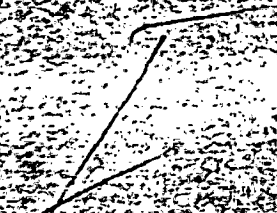

*Affected  
Order  
P.D.*

41 / 65V

Annexure - 19 A Serial

FORM OF HANDING / TAKING OVER BUILDING

Station — NARORA  
 Bldg no — OR G. NO 78 at Phase II  
 Name of esent — 224906 Sri B C Halder of  
AGE, EMP NARORA 2/10/1971  
S/O 49 6553/4/83 dt 19/7/83 COA dated  
PAY Rs 2607-2

AS PER B/R Inventory	AS PER EMP Signature	AS PER Full D/L
Previous	Previous	
① 24 glass pane checked = 1 NO	① Glob missing = 1 NO ② shade " = 2 NOS	
		

Handed over  
 Sd/-  
 (M R R/P)

Taken over  
 Sd/-  
 (B C Halder)



42

Annexure A Series

Form of Handing / Taking Over of Bldg

Mater. Receipt

Naranga

NCEs of No E/195

MES-224806 Shri BC Haldhar, L/Man of GE Naranga

SHQ. No. de Location

Is for B/E Inventory	Is for E/M Inventory	Is for A/C Inventory
<p>Previous</p> <p>Nil</p> <p>Window glass pan broken = 2 Nos</p>	<p>Previous</p> <p>(i) Globe broken 1 No</p> <p>(ii) " missing 3 Nos</p> <p>(iii) Bulb fuse 5 Nos</p> <p>(iv) Shade missing 1 No</p> <p>present</p> <p>Nil</p>	<p>Previous</p> <p>(i) Standing pole of AC set def - 4 Nos</p> <p>(ii) Chantry broken - 1 No</p>

Handed Over

Chand

224806 Shri R.C. Haldhar, L/Man

GE Naranga

Taken Over

25/7/83

(MES Rep)

49

43

Annexure - 19 A Series

In lieu of IAFW-1820

FORM OF ALLOTMENT OF MARRIED ACCOMMODATION

Ser No	Station	Location	Classification of the accommodation	Vacated by	Allotted to	Remarks
(a)	(b)	(c)	(d)	(e)	(f)	(g)

1. Gauhati Narangi Camp OR Qr No B/198 Phase I

MES No 224467 RK Gupta of Zonal Wksp C/O GE Narangi

To be taken over within 10 days from the date of issue of this allotment order.

Distribution

1. RK Gupta, Zonal Wksp, C/O GE Narangi
2. BSO Narangi
3. UABSO Narangi
4. Allotment Order File
5. Master File

BSO Narangi  
UABSO Narangi  
Allotment Order File  
Master File

No 6552/4/Q3

Station Mukhayalaya  
Station Headquarters  
Gauhati (Narangi Camp)  
PO : Satgaon

30 Apr 84

( SN Yadav )  
Maj  
Offg Adm Comdt

5

44

Annexure-19 A Series

In lieu of LAM-1820

## FORM OF ALLOTMENT OF MARRIED ACCN : OFFERS / JCO/DR/CIVILIANS

S.No	STATION	LOCATION	OF THE (nd accn)	Requested by	Allotted to	Remarks
1	2	3	4	5	6	7

1. Gauhati Narangl B-185  
Camp (Shifting from  
B-198 to B-185)

- MES-224467  
Ranjit Kumar Gupta  
GE Narangl

Accn allotted will be taken  
over within 10 days from  
the date of allotment. In  
case of SF 20 days.

## Distr:

1. GE Narangl
  2. BSO Narangl
  3. UA BSO Narangl
  4. BSO Borjar
  5. UA BSO Borjar
  6. BSO Borjar
  7. UA BSO Borjar
- Please intimate on 10 days whether the  
accn has been taken over by the indi or not.

6552/4/03

Station Headquarters  
Gauhati (Narangl Camp)

9 Dec Nov 92

(BK Sharma)  
Col  
Adm Comd

45  
-40-

Annexure - 20  
✓ Annex - 16

- 21 -

Annexure - D

Personal Attention of CD's/OC's.

Station Headquarters,  
Guwahati (Narangi Camp).

655a/A/Q3(PC).

28 Jan 99.

307 Stn. NKEP,  
Unit concerned.

UNDERTAKING FROM CIVILIAN OCCUPYING DEF ACON.

1. Despite of protracted correspondence on the subject it is obs that civs are not submitting underyaking cert as reqd by this HQ.
2. A list of def. civs of your unit who are occupying def pool ~~annex~~ accon. which is meant for joss/or is att. It is once again stressed to submit the undertaking cert. from the occupants of the house (Format of cert. already fwd to your unit) by 30 Jan 99, failing which eviction notice will be issued and occupants will be eviction from Govt. premises.
3. Old certs are hereny cancelled. Specimen of new certs have already been fwd.
4. No representation will be entertained on the subject later on.

sd/- Illegible.

(RK Barua).

Lt. Col.

Offg. Adm. Comdt.

*Asst. Adv.*  
*Asst. Adv.*  
*Advocate.*

No.35105/79/Q3W(Policy)/879/US/D(Civ-1)  
Govt of India,  
Ministry of Defence  
New Delhi, the 30th August 1983.

To

The Chief of the Army Staff/  
The Chief of the Naval Staff/  
The Chief of the Air Staff

Subject :- Scales of Accommodation for Defence Service.

Sir,

I am directed to convey the sanction of the President to the manual entitled "Scales of Accommodation for Defence Service, 1983". This publication incorporates the scales of OTM accommodation as sanctioned vide this Ministry's letter No.35105/79/Q3W(Policy)/753/US/D(Civ-1) dated 15 Jul 83 and the scales of married accommodation including other related provisions sanctioned from time to time by the Government.

2. This supersedes the authorisation of accommodation and scale as earlier contained in Barrack Synopsis (India) Scale of Accommodation(War) (1944) and other Government letters issued to date; and shall come into force with immediate effect.

3. This publication shall be quoted as authority for works...services the Defence forces:

4. This issues with the concurrence of Ministry of Finance (Defence) vide their u.o. No.1520/DFA(W)/83 of 1983.

Yours faithfully,

Sd/x x x x  
(P.S. FATEHULLAH)  
Under Secretary to the Government of India

Copy to :-

All concerned.

# SCALES OF ACCOMMODATION FOR DEFENCE SERVICE, 1983

MINISTRY OF DEFENCE

GOVT OF INDIA

## PART V, CHAPTER 61

### Married Accommodation for civilians

The scales of married accommodation for civilians paid from Defence Service Estimate including civilian personnel of Military Farms are given in Table 61.III.

Married accommodation for civilians will be provided at the stations given in Appendix 'F'.

The exact percentage of employees for whom accommodation will be provided will be determined in each case on receipt of definite proposals from the local authorities. For purpose of planning, however, 15

percent of the permanent strength of civilians in KLP and non-KLP units at the stations will be taken as the ceiling, provided the accommodation is likely remain occupied for more than five years.

Married accommodation for key personnel including MES personnel will be provided at 100 percent at all stations. MES constructional staff will be provided accommodation to temporary specifications.

Married accommodation for civilian cooks, washerman, female sweepers and ayah employed in Military Hospitals will be provided at 30 percent of the sanctioned strength.

### Appendix 'F'

#### LIST OF STATIONS WHERE MARRIED ACCOMMODATION FOR CIVILIAN AUTHORISED

- |                  |                       |
|------------------|-----------------------|
| 1. Agra          | 13. Jabalpur          |
| 2. Avadi         | 14. Jaipur            |
| 3. Bangalore     | 15. Jammu             |
| 4. Bareilly      | 16. Lucknow           |
| 5. Bombay        | 17. Missamari         |
| 6. Cannanore     | 18. Panagarh          |
| 7. Chandigarh    | 19. Port Blair        |
| 8. Cochin        | 20. Pulgaon           |
| 9. Dehu          | 21. Pune              |
| 10. Delhi Cantt. | 22. Shillong          |
| 11. Gauhati      | 23. Udhampur          |
| 12. Goa          | 24. Vishakhapatnam    |
|                  | 25. Wellington (DSSC) |

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- 28 -  
FORM NO. 4  
(See Rule 42)

Annexure - 18

# In The Central Administrative Tribunal

GUWAHATI BENCH GUWAHATI

ORDER SHEET

APPLICATION NO. 221/99


OF 199

Ap: *Mr. C. Medhi and ors*

Respondent(s) *Union of India and ors.*

Advocate for Applicant(s) *Mr. M. Chanda, Mr. G.N. Chakraborty*

Advocate for Respondent(s) *C.G.S.C.*

Notes of the Registry	Date	Order of the Tribunal
	19.7.99	<p>Four applicants have filed this single application with a prayer to allow them to join in this application under the provision of Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987. Perused the application. As the conditions mentioned in the rule are fulfilled the prayer is allowed.</p> <p>Heard Mr M.Chanda, learned counsel for the applicants and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents. Application is admitted. Issue notice on the respondents by registered post.</p> <p>List on 23.8.99 for written statement and further orders.</p> <p>Mr Chanda prays for an interim order. Mr Deb Roy opposes the prayer. Heard counsel for the parties. On hearing the counsel for the parties it is ordered</p>

Date	07 MAR 1999
Order of the Tribunal	
<p>that the applicants shall not be evicted from their quarters until further orders. Records shall be produced on the next date.</p>	



Sd/ MEMBER (Adm)

Certified to be true Copy  
प्रमाणित प्रतिलिपि

Section Officer (J)

Advocate for Applicants (2)  
Advocate for Respondent (2)  
Central Administrative Tribunal  
Guwahati Bench, Guwahati-8  
Assam

Notes of the Registry		Date
<p>1. The application was filed on 07.03.99.</p> <p>2. The application was admitted on 07.03.99.</p> <p>3. The application was listed for hearing on 07.03.99.</p> <p>4. The application was heard on 07.03.99.</p> <p>5. The application was disposed of on 07.03.99.</p> <p>6. The application was allowed on 07.03.99.</p> <p>7. The application was dismissed on 07.03.99.</p> <p>8. The application was set aside on 07.03.99.</p> <p>9. The application was referred to the Bench on 07.03.99.</p> <p>10. The application was returned to the Bench on 07.03.99.</p>	<p>10.03.99</p>	10.03.99
		10.03.99



IN THE <sup>Cu</sup>CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A.NO.23 OF 2000

Shri P.C. Alexander & Others

-VS-

Union of India & Others

IN THE MATTER OF

Written statement submitted by the  
respondents *no. 1, 2, 3 and 4.*

WRITTEN STATEMENT

The respondents beg to submit  
their written statement as follows :

That the respondents beg to submit a brief  
background of the case which may be treated as a part  
of the written statement.

BRIEF BACKGROUND OF THE CASE

1. That at the very outset the respondents beg to  
submit the brief background of the case and the procedure  
of allotment of accommodation in succeeding paragraphs.

(a). That defence expenditure caters for payments to two

Filed by

50  
29/3/2000  
(A. DEBROY)  
Sr. C. C. E. C.  
C. A. T., Guwahati Bench

types of employees viz. firstly the combatants and secondly the Defence Civilians who are paid from defence estimates. The terms and conditions of service in both cases differ. The combatants are required to move on tenure basis alternatively in field & peace locations. The tenure in one station ranges from two to three years and combatant due to the peculiar service conditions hardly gets a chance to stay with his family for a period ranging from two to four years in his entire career ranging from 17 to 32 years. Due to these peculiar circumstances the provisions laying down the Scales of Accommodation for the combatants have been incorporated in Scales of Accommodation for Defence Services, 1983. The Scale of Accommodation for the combatants varies from 35% to 100% of the authorised strength of different categories of combatants posted in a peace station. Further, it would be pertinent to submit that these combatants lead a very hard life while serving in inhospitable and treacherous terrain upholding the sovereignty of the Motherland. Many of these combatants while on duty in remote and inhospitable borders get incapacitated for life or lay down their lives. In the absence of their husbands even the families suffer, missing the care and affection of the head of the family. It may be appreciated that the combatants due to the very nature of their duty need to stay in close proximity of their working area and need to be at call at all hours. This further,

aggravated by the prevailing insurgency situation prohibit combatants from occupying hired accommodation in civil areas.

(b) That the second category i.e. the civilians paid from defence estimate have different conditions of service and are not required to move to the locations termed as non-family/field stations. In certain cases these Defence Civilians spend their entire career in one station only and thereby do not suffer the separation from their families. The families also enjoy the patronage of head of the family. Further, having spent the entire life in one station they get moulded into the local social structure, thus are not a target of militant and no possible security threat exists. Therefore these personnel can and also permitted to live in any area in the station for which rent is paid by the government without jeopardising their personnel security. For the above stated service conditions this category of employees have been authorised accommodation at the scale of 15% of the total strength authorised in one station.

(c) That considering the underlying principles of allocating accommodations as elaborated above, it is submitted that the accommodation constructed within the scale of the combatants cannot be allotted on permanent basis to Defence Civilians and if the same has been done in violation of the policy in vogue it will cause grave injustice to the combatants, who need to be considered

53  
D  
with a different and compassionated prospective. The oath taken by the soldier is the testimony of this. The oath reads as under :-

"Carry out the orders.....even to the peril of my life".

(d) That the allotment of the accommodation to the above two categories of the employees are governed by two different provisions and a different pool and different Seniority List as per the requirement are being maintained by the respondents. No rule permits the allotment of accommodation of one pool on permanent basis to the employee belonging to the other pool. However, as and when any accommodation in the pool of the combatants is temporarily vacant, it is allotted to the Defence Civilians on a temporary basis as a good-will-measure and also to avoid any loss of revenue to the state.

(e) That

As per existing orders when such accommodation is allotted to Defence Civilians, they are to give an undertaking that they would vacate the accommodation when asked to do so without asking for alternative/may not have been taken by the allotting authorities either inadvertently or due to oversight. It is prayed that this inadvertent aberration cannot mean that the accommodation have been allotted permanently to Defence Civilian who are in any case not entitled to this accommodation.

/accommodation. However on some occasions this undertaking

54

61

1. That with regard to paras 1, 2, 3, 4.1, 4.2 & 4.3, the respondents beg to offer no comment.

2. That with regard to para 4.4, the respondents beg to state that it is admitted as far as allotment of accommodation, issue of notices and replies thereto are concerned. The applicant was given ample opportunity to state and put forward his case. He was given hearing and explained at length as to why the government accommodation occupied by him need to be vacated. It may also be pertinent to note that, he being a handicapped person his case was viewed with due consideration and he was allotted an alternative accommodation as per his request. A copy of his application is annexed as Annexure-I. Copy of the allotment letter is annexed as Annexure-II.

3. That with regard to paras 4.5, 4.6 & 4.7, the respondents beg to state that it is admitted as far as allotment of accommodation, issue of notices and replies thereto are concerned. All the three applicants were given ample opportunity to state & explain their cases. After their cases heard at length, they were explained the reasons as to why the accommodations occupied by them need to be vacated. These cases were considered sympathetically and it will be noted that they have been almost a year to vacate their accommodation. During this prolonged period to no action was initiated to vacate the accommodations occupied by them.

55

62

4. That with regard to para 4.8, the respondents beg to state that the contents of this para are denied. Defence Civilian employees are authorised to occupy government accommodation which are constructed purely for them. As per Army HQ letter No.10562/P/Q3(B-1) dated 23 Jan 84 (Copy at Annexure III) defence civilian employees are not authorised to occupy government accommodation which are constructed for combatants. However if any such accommodations are surplus, these can be allotted on temporary basis to defence civilian employees after obtaining an undertaking from them. All the ~~three~~ applicants have given their undertaking which are at Annexure IV & VI. The government accommodation constructed for the combatants were allotted on temporary basis to the applicants as these were temporarily surplus at that time.

5. That with regard to para 4.9, the respondents beg to state that it is admitted as far as the government's approval for construction of accommodation for defence civilians are concerned. The letter mentioned herein was communicated for information of all concerned. However as far as allotment of accommodation constructed for defence service personnel to defence civilians is concerned, these were allotted on temporary basis as these were temporarily surplus at that time. As far as taking the undertaking is concerned prior to issue of allotment letter, it is a requirement as per the Army HQ letter quoted in para 4 above. It is prayed that even if an undertaking was not obtained inadvertently or due to an oversight, the existing

rule on the subject do not become inoperative.

6. That with regard to para 4.10, the respondents beg to state that the applicant have submitted their undertakings.

7. That with regard to para 4.11, the respondents beg to state that the applicants have been asked to vacate the government accommodation as these are required to be allotted to combatants defence personnel for whom these are constructed. Actions to get the accommodations unauthorisedly occupied by the applicants have been taken as per provisions of Public Premises(Eviction of Unauthorised Occupants) Act 1971. The applicants can only occupy government accommodation which are constructed purely for defence employees.

8. That with regard to para 4.12, the respondents beg to state that the government letter quoted herein deals with government accommodation constructed for defence civilian employees only. Hence they are not entitled to government accommodation constructed for the combatant which they are unauthorisedly occupying. Therefore it is prayed that the Hon'ble Tribunal be pleased to vacate the stay obtained by the applicants and direct the applicants to vacate the government accomedations which are still under their unauthorised occupation.

9. That with regard to para 5.1 & 5.2, the respondents beg to state that civilian defence employees are not entitled to accommodation constructed for combatants. Civilian employees are authorised to draw House Rent Allowance(HRA) and there is no restriction for them to hire accommodation outside. On the other hand combatants are not permitted to stay outside the military area on security reasons. The accommodation at present occupied by civilian defence employees are required to be allotted to service personnel for whom these were constructed. At present a large number of them are being denied these accommodations which are rightfully to be allotted to them. An injustice is being caused to them as the defence civilians are wrongfully occupying these accommodations.

10. That with regard to para 5.3, the respondents beg to state that the appellants were allotted //as these were temporarily surplus at that time. However problem of accommodation for service personnel is rather acute at present. A large number of them have been denied the opportunity to stay with their families due to the wrongful unethical occupation of these accommodation by defence civilians employees. Therefore it is prayed that the appeal of the appellants be denied and they be asked to vacate the accommodations /by them. /occupied

11. That with regard to para 5.4, the respondents beg

//accommodation meant for service personnel temporarily ...9/-



to state that service personnel and defence civilians are to be allotted accommodation only from the accommodation constructed for their respected categories. There is no provision to allot accommodation constructed purely for service personnel to defence civilians on permanent basis.

12. That with regard to para 5.5, the respondents beg to state that actions to get the accommodation vacated have been taken under the provisions of PP(Eviction) Act 1971.

13. That with regard to para 5.6, the respondents beg to state that all the applicants were given ample opportunity to personally state and present their cases.

14. That with regard to para 5.7, the respondents beg to state that the applicants were asked to vacate the accommodations and their unwillingness to vacate these resulted in action initiated under the provisions of PP (Eviction) Act 1971.

15. That with regard to paras 6 & 7, the respondents beg to offer no comment.

16. That with regard to para 8.1, the respondents beg to state that the appeal of the appellants be denied as their continued occupation of these accommodations have denied the rights of genuine & needy service personnel.

17. That with regard to para 8.2, the respondents beg to state that since accommodations are required to be allotted to service personnel for whom these were constructed and at present under continued wrongful occupation of the appellants, their request be denied.

18. That with regard to para 9, the respondents beg to state that in view of position explained in preceding paras above it is prayed that the stay obtained by the appellant be vacated.

19. That with regard to paras 10, 11 & 12, the respondents beg to offer no comment.

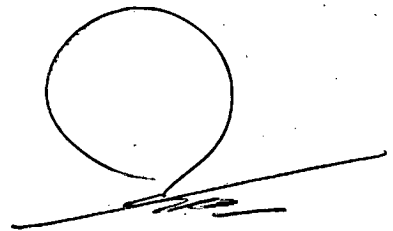
VERIFICATION

I, Shri Colonel Ashok Kumar Bhogal

being duly authorised do hereby declare that the statements made in this written statement are true to my knowledge belief and information and no material fact has been suppressed.

And I sign this verification on this the

23rd day of March 2000.



DECLARANT

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Annexure - I

From : MEM/225209  
Shri PC Alexander, Valve Man  
Office of the AGR E/M  
Narangi Cantt. Guwahati-27

Brig. VB Patil  
The Estate Office  
Station Headquarters  
Narangi Cantt.

Sub : REQUEST FOR RETENTION OF MARRIED ACCN OR ALLOTMENT  
OF CIVILIAN ACCN

Respected Sir,

1. With due respect and humble submission, I would like to submit the following few lines for your sympathetic consideration and favourable orders please.

2. I have been serving in AGR E/M Narangi as a valve man since 01 Feb'69 and have put in 30 years of service. I am a handicapped person ever since my childhood due to congenital deformity of my left leg. I am living peacefully with my wife and two school/College going children in quarter No C/49. I have been served with a vacation-cum-eviction notice vide HQ 51 Sub Area eviction order No. 6552/A/G3(PC) dated 25 Feb'99. In this connection, I submit the following before you to give some more introspection in my case and arrive at a sympathetic and favourable decision please.

(a) I am hailing from Kerala and have no contact whatsoever with civilians outside the Cantt. area as I am staying in the Cantt. area peacefully since long.

(b) I am a handicapped person and I have to do shift duties of water supply to the Cantt. area.

(c) Water supply of this Cantt. area being an important aspects, in terms of present day security scenario, I understand that there may be anti-national/undesirable elements outside the Cantt. area who may blackmail if I stay outside Cantt. area in fulfilling their nefarious designs/intentions under threat of my own life and that of my family members if I do not fall prey to their evil designs. In this regard I must add that my life is no less risky than an army person.

(d) My wife is working as a Nurse in the family health centre phase II in the Cantt. Since we both are working in the same Cantt. area and my children are away from home everyday, there won't be anybody at home and whatever we have in our home will be taken away, if we stay outside the Cantt. It would be an unpleasant and most painful for us at this fag-end of my life and service if such an unpleasant act occurs.

(e) Being an handicapped person, please allow me to continue to stay in the Cantt. till my retirement in a few years time, as priority/humanitarian help to the genuine problems of every physically handicapped is considered by my organisation in our country.

3. In view of the above, I humbly request you to re-consider the vacation-cum-eviction order and permit me to retain the accn or allot me a civilian married accommodation ~~in~~ within the cantt. area. I understand that Quarter No C-2 in Peer Baba Colony is being vacated shortly by the present occupant which may be suitable alternative arrangement if retention of quarter No. 4-49 is not feasible.

4. I do hope that my request will be considered sympathetically and favourably on humanity ground.

Tahinking you sir,

Yours faithfully,

Station : Narangi

Dated : 18 Mar '99 / 8 July 99.

*(PC Alexander)*  
*8 July 99*  
 ( PC Alexander )

Copy to :-

Adm Comdt.  
 Station HQ  
 Narangi Cantt.

- for information and necessary action please

CE Narangi

- for information please.

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Annexure-II

FORM OF ALLOTMENT OF MARRIED ACQN : OFFR/JCO/OR/CIC

S.No:	Station : Location :	DI of the md accn :	Allotted to :	
1.	Guwahati Narangi	Md accn Or No E/198 (E Block)	MES-225209 Shri PC Alexander, Valve/Man of AGE E/M Narangi	Accn allotted will be taken over within 10 days from the date of allotment. In case of SF accn 20 days.

Case No: 6552/4/G3

Station Headquarters  
Guwahati(Narangi Camp)

13 Jan 2000

Distr :-

1. GE Narangi - Please instr indl to takeover above or within 10 days and vacate def pool or No C/49 at the earliest.
2. BSO Narangi
3. UA BSO Narangi
4. Indl concerned- Ref your application dt 25 Mar 99.

RD/\*

(AS Ratre)  
Lt Col  
SSO  
for Adm Comdt

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Annexure - III

Secy HQ Shillong

22002/R/23(B)

C/O 99 AIO

17 Feb 84

List 'A'

ALLOTMENT OF ACCOMMODATION TO CIVILIANS LAI FROM  
DEFENCE SERVICES ESTIMATES

1. A copy of Army HQ letter No 10562/1/Q3(B-1) dated 23 Jan 84, on the above subject, is fwd herewith.
2. You are requested to disseminate the guide lines contained in the above quoted Army HQ letter to all concerned.

Copy to :-

List 'B', 'C' & 'D'

For info and action alongwith a copy of above letter.

(Amrjit Singh)  
Capt  
SC(Q)  
For Col IC Adm

(Copy of Army HQ letter No 10562/1/Q3(B-1) dated 23 Jan 84)

AS ABOVE

1. Despite clear cut guide lines issued from time to time, a number of irregularities in the allotment of accommodation to Defence civilians still continue to be noticed. These are described in the succeeding paragraphs.

Allotment of Defence Civilians Accommodation

2. Defence civilian accommodation should be allotted in accordance with the seniority rules laid down in SRO 308, Vide Rule 22 of SRO 308. Any relaxation of these rules can only be authorized by the Government. Notwithstanding this, it has been noticed that at certain stations, Defence civilians have been allotted accommodation on out of turn basis. This is highly irregular and creates a very embarrassing situation when other individuals whose requests for out of out of turn allotments are rejected, subsequently approach the higher authorities.
3. It will, therefore, be ensured that allotment of accommodation to the defence civilians is made strictly in accordance with the seniority rules as laid down in SRO 308 and no deviation there from is permitted. In case, out of turn allotment of accommodation is considered essential in any particular case on extreme compassionate grounds, details of such cases will be reported to this Headquarters alongwith necessary

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recommendations for obtaining Government sanction.

Allotment of Surplus Service Accommodation

4. In accordance with the existing procedure, defence civilians can be considered for temporary allotment of surplus Service accommodation. It was clearly laid in this Headquarters letter No 10562/Q3(B) dated 23 Jan 54 that while allotting surplus service accommodation to defence civilians, a stipulation will invariably be made in the allotment letter that accommodation has been allotted temporarily and would be required to be vacated at short notice without claiming any alternative accommodation. It has been noticed in a number of cases, this stipulation was not made resulting in serious difficulty when accommodation was subsequently sought to be vacated for allotment to the entitled Service personnel.

5. To avoid similar complications in future, the above requirements should be complied with.

6. It has also been noticed that Service accommodation is allotted to defence civilians at the discretion of Station Commander and no seniority rules are followed. It was laid down in this Headquarters letter No 10562/Q3(B-1) dated 2 May 74 that for the purpose of allotment of surplus Service accommodation, a waiting list of all defence civilians will be maintained and allotment of accommodation made according to the waiting list seniority. It should, therefore, be ensured that at all stations where surplus accommodation is available for allotment to defence civilians, a waiting list is maintained on a station basis in accordance with the seniority rules laid down in SLO 208.

Allotment of Hired Accommodation

7. Except as provided for in Government of India, Ministry of Defence, letter No 10562/2/Q3/678-Q/D.8/48 dated 23 Mar 48 and other Government orders, hired accommodation cannot be allotted to Defence Civilians. This was also made clear in this Headquarters letter No 10562/Q3(B-1) dated 05 Oct 74. Certain irregularities in the allotment of hired accommodation to the defence civilians still continue to be noticed. It will be ensured that except where specifically provided for, no hired accommodation is allotted to defence civilians and surplus hired accommodation if any, considered for letting in accordance with the extant rules.

8. The above guidelines may be disseminated to all concerned in your Command for strict compliance.

Sd/- x x x x x  
(RP Sherda)  
Col  
Cdr 10  
Quartermaster General



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Annexure - IV

UNDERTAKING FROM CIVILIAN FOR OCCUPYING OF DEF. ACCOM.

This is to certify that I have gone through the rules regarding allotment of accommodation to civs and I fully understand that defence accommodation is not meant for occupation by civilians. I request that Defence quota accommodation be allotted to me purely as a temporary measure on extreme humanitarian grounds for a period not exceeding 89 days at a time.

2. I hereby undertake to vacate the defence accommodation quarter No C/49 allotted to me as and when so desired by Station Headquarters on 15 days notice, without asking for an alternate accommodation or any compensation there of, in lieu, I also hereby undertake that I or any of my family members or any one else acting on my behalf shall not ask for any compensation of any type in cash or kind when so directed to vacate the Defence quarters irrespective of the grounds for issue such vacation orders. Such orders may be issued at the discretion of Station Headquarters as and when deemed appropriate without assigning any reason whatever.

Signed of my own free will and accord without any threat or inducement of pressure of any kind in the presence of witnesses.

Station - Guwahati

Date - 30.6.99

Witness -

1. Mohamed K  
10 JHA (M/R) Reagle
2. Winey L. Pandey  
M/R

A. Pandey

Signature of the indl.

(MS/225209 Su)

P. C. Alexander, (M/R)

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Annexure - V 14

UNDER-TAKING FROM CIVILIAN FOR OCCUPYING OF DEF A/CN

This is to certify that I have gone through the rules regarding allotment of accommodation to civs and I fully understand that defence accommodation is not meant for occupation by civilians. I request that Defence quota accommodation be allotted to me purely as a temporary measure on extreme humanitarian grounds for a period not exceeding 89 days at a time.

2. I hereby undertake to vacate the defence accommodation quarter No 78 Ph-D allotted to me as and when so desired by Station Headquarters on 15 days notice, without asking for an alternate accommodation or any compensation there of, in lieu, I also hereby undertake that I or any of my family members or any one else acting on my behalf shall not ask for any compensation of any type in cash or kind when so directed to vacate the Defence quarters irrespective of the grounds for issue such vacation orders. Such orders may be issued at the discretion of Station Headquarters as and when deemed appropriate without assigning any reason whatever.

3. Signed of my own free will and accord without any threat inducement of pressure of any kind in the presence of witnesses.

Station - Guwahati

Date -

Witness

1. Inc  
(I. D. Jha)

2. Sera  
(Sureswar Das)

Signature of the indl.

Bhabha  
(B C Haldhar)

COUNTERSIGNED

(N. S. Sandhu)  
Major  
Garrison Engineer

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Annexure - VI

UNDERTAKING FROM CIVILIAN FOR OCCUPYING OF DEF ACQM

This is to certify that I have gone through the rules regarding allotment of mnd accn to civs and I fully understand that defence accommodation is not meant for occupation by civilians. I request that Defence quota accommodation be allotted to me purely as a temporary measure on extreme humanitarian grounds for a period not exceeding 89 days at a time.

2. I hereby undertake to vacate the defence accommodation quarter No 174 Ph-II allotted to me as and when so desired by Station Headquarters on 15 days notice, without asking for an alternate accommodation or any compensation there of, in lieu, I also hereby undertake that I or any of my family members or any one else acting on my behalf shall not ask for any compensation of any type in cash or kind when so directed to vacate the Defence quarters irrespective of the grounds for issue such vacation orders. Such orders may be issued at the discretion of Station Headquarters as and when deemed appropriate without assigning any reason whatever.

3. Signed of my own free will and accord without any threat, inducement of pressure of any kind in the presence of witnesses.

Signature of the indl.

Station - Guwahati

Date -

Witness -

1. S. Sureswar Das
2. W. B. Jha

(B. Bhatta)

COUNTERSIGNED

(N. S. Sandhu)

Major

Garrison Engineer

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Annexure - VII

## UNDERTAKING FROM CIVILIAN FOR OCCUPYING OF DEF. ACN

This is to certify that I have gone through the rules regarding allotment of m.d. accn. to civs and I fully understood that defence accommodation is not meant for occupation by civilians. I request that Defence quota accommodation be allotted to me purely as a temporary measure on extreme humanitarian grounds for a period not exceeding 39 days at a time.

2. I hereby undertake to vacate the defence accommodation quarter No. 18/185 allotted to me as and when so desired by Station Headquarters on 15 days notice, without asking for an alternate accommodation or any compensation there of, in lieu, I also hereby undertake that I or any of my family members or any one else acting on my behalf shall not ask for any compensation of any type in cash or kind when so directed to vacate the Defence quarters irrespective of the grounds for issue such vacation orders. Such orders may be issued at the discretion of Station Headquarters as and when deemed appropriate without assigning any reason whatever.

Signed of my own free will and accord without any threat inducement of pressure of any kind in the presence of witnesses.

Station - Guwahati

Date -

Witness -

1.

S. C. Paul, MPR

2.

Md. Rezaul Karim  
C.B.

Signature of the indl.

(R. K. Gupta)  
R/meehCOUNTERSIGNED

(N. S. Sandhu)

Major

Garrison Engineer