

100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-119/2001 order Pg-1

INDEX

disposed date- 4/5/2001

O.A/T.A No. 101/2000

R.A/C.P No.....

E.P/M.A No. 119/2001

1. Orders Sheet OA-101/2000 Pg. 1 to 5
2. Judgment/Order dtd. 4/5/2001 Pg. 1 to 2 disposed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A. 101/2000 Pg. 1 to 39
5. E.P/M.P. 119/2001 Pg. 1 to 6
6. R.A/C.P. N.I.L Pg. to
7. W.S. N.I.L Pg. to
8. Rejoinder Pg. to
9. Reply Pg. to
10. Any other Papers Pg. to
11. Memo of Appearance
12. Additional Affidavit
13. Written Arguments
14. Amendment Reply by Respondents
15. Amendment Reply filed by the Applicant
16. Counter Reply

Show cause filed by the Respondents

Pg- 1 to 24

SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 101

OF 199 2000

Applicant(s)

Sri B. N. Singh

Respondent(s)

Union of India & ors.

Advocate for Applicant(s)

Mr. G. Choudhury,

Mr. J. Sarma

Advocate for Respondent(s)

Mr. A. Deo Ray,

Dr. C. G. S. C.

Notes of the Registry	Date	Order of the Tribunal
1. The application is in form and within the limit of Rs. 50/- deposited in IPO Bldg. No. 06.493516 dated 13.3.2000.	14.3.00	This matter relates to the Single Bench. Let this case be listed before Single Bench to-morrow on 15.3.2000 for consideration of Admission. Member (J) <i>[Signature]</i> Member (A) <i>[Signature]</i>
2. Copy of the order be furnished to the counsel for the parties.	15.3.2000	Mr. G. Choudhury, learned counsel for the applicant. Mr. B. S. Basumatary, learned Addl. C. G. S. C. for the respondents. Mr. Basumatary learned Addl. C. G. S. C. prays for adjournment to get instructions from the respondents. List on 29.3.00 for consideration of Admission. Mr. G. Choudhury learned counsel submits for an interim order. According to him the applicant has not yet vacated the quarter as on to-day. Status quo as on to-day shall be maintained till the next date, that is, 29.3.00. Member (A) <i>[Signature]</i>
	1m	

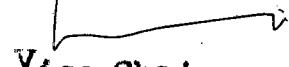
(2)

Notes of the Registry	Date	Order of the Tribunal
<u>24-3-2000</u> Copy of The order Dtd- 15-3-2000 issued to the counsel of the parties. Ref. RWD c/c 29 Mar 2000.	29.3.00	No show cause has been submitted. Heard learned counsel for the parties. Application is admitted. No further notice need be issued as notices have already been issued. List for written statement and further order on 27.4.2000.
<u>31-03-2000</u> Order dated 29-3-2000 has been prepared and Sent to D/S from Registers to The Government. AS 31/3/2000	29.3.00	Heard Mr. G. Choudhury, learned counsel for the applicant on the interim prayer. Mr. Choudhury again submits that the applicant has not vacated the quarter till today. Status quo as on today shall be maintained until further order.
<u>31/3/2000</u> Vide D.Nos. 875 & 876 Dtd- 27.3.2000	27.4.00	Two weeks time allowed for submission of written statement on the prayer of Mr A. Deb Roy, learned Sr. C.G.S.C. List for written statement and further orders on 16.5.00.
<u>15-5-2000</u> No W.P. has been filed. by	15.5.00	Mr. B.S. Basumatary, learned Addl. C.G.S.C. prays for one month time to file written statement. Prayer allowed. List on 20.6.2000. Interim order shall continue.
<u>10-7-2000</u> No. W.P. has been filed.	10.7.00	There is no Court today. Adjourned to 11-7-2000.
	20.6.00	Member (J)

(3)

3

Notes of the Registry	Date	Order of the Tribunal
	11.7.00	<p>Present: Hon'ble Mr. S. Biswas, Administrative Member</p> <p>Mr. G. Choudhury appeared for the applicant and observed that his name has been wrongly shown as G. Chakraborty. His name may be corrected in future. Mr. B.S. Basumatary, learned Addl. C.G.S.C. wants further time to file the written statement. Accordingly the case is adjourned and posted on 23.8.00 for written statement.</p>
19. 9. 2000 No. written statement has been filed.	nkm	<p><i>S. Biswas</i> Member(A)</p>
23.8.00 No. wfs has been filed.	23.8.00	<p>Same 5 m sum day, Adj. on 20.9.00.</p> <p><i>B.S.</i></p>
20.10.00 No. wfs has been filed.	20.10.00	<p>Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.</p> <p>Learned counsel Mr. G. Choudhury for the applicant and Mr. B.S. Basumatary, learned Addl. C.G.S.C. for the respondents.</p> <p>Mr. Basumatary prays for two weeks further time to submit written statement. Opposite side has no objection. Accordingly prayer allowed. List on 8.11.2000 for further orders. Interim order shall continue.</p> <p><i>Vice-Chairman</i></p>
8.11.00 No. wfs has been filed.	8.11.00	<p>Heard Mr G. Choudhury, learned counsel for the applicant. Mr B.S. Basumatary, learned Addl. C.G.S.C has once again prayed for time to file written statement. Four weeks time granted accordingly.</p> <p>List on 6.12.2000 for order. Meanwhile the interim order dated 15.3.2000 shall continue.</p> <p><i>Vice-Chairman</i></p>

Notes of the Registry	Date	Order of the Tribunal
No. written statement has been filed.	6.12.00	On the prayer of Mr.A. Deb Roy, Sr.C.G.S.C. on behalf of Mr.B.S.Basumatary three weeks time is allowed for filing of written statement. List on 5.1.00 for filing of written statement and further orders.
<u>By</u> 4.1.2001	1m.	 Vice-Chairman
<u>12-1-2000</u> Show cause reply for non filed by the respondents.	5.1.01	Mr G.Choudhury, learned counsel for the applicant submitted that the applicant intends to file rejoinder, for which he requires some more time. Prayer allowed. List on 7.2.2001 for hearing.
<u>By</u>	pg	 Vice-Chairman
Show cause has been filed.	7.2.01	The learned counsel prays for accommodation for submitting the rejoinder to the written statement. The learned counsel also submitted that the full text written statement has not furnished on him, Mr.A. Deb Roy however, submitted that the steps is being taken to furnish the missing Annexures. Mr.A. Deb Roy, Sr.C.G.S.C. is requested to do so by to-morrow. List on 22.2.01 for hearing.
<u>By</u> 6.2.01	1m	 Vice-Chairman
<u>13-3-01</u> Ready for hearing.	22.2.	No S.B. Adjourned to 14.3.2001. <u>Mr A. Deb Roy</u> 22.2
<u>By</u>	14.3.	on the prayer of learned Counsel for the applicant the case is adjourned to 14.3.2001. <u>Mr A. Deb Roy</u> 14.3.

Notes of the Registry	Date	Order of the Tribunal
The case is ready for hearing as regards Show Cause.	11.4.2001 nkm	None appears on behalf of the applicant. List tomorrow, 12.4.01, for hearing. Vice-Chairman
AS 24/4/01	12.4.2001 nkm	None appears for the applicant today also. List again for hearing on 25.4.01. Vice-Chairman
25.4.01 Received copy for the applicant. Sub-Barua Advocate 30.4.2001	25.4.01 nkm	Leftover Adm 1-27.4.01. B70
30.4.2001 Copy of the order has been sent to the Dsec. for issuing the same to the L/t Adm. for the Respondent.	27.4.01 nkm	None appear for the applicant today also. Mr A. Deb Roy, learned Sr.C.G.S.C for the respondents is present. Mr M. Chanda sought for adjournment on behalf of the counsel for the applicant. Considering the facts and circumstances of the case I am not inclined to adjourn the case any further. The case is accordingly dismissed as not pressed. Interim order dated 15.3.2000 stands vacated. M Vice-Chairman
30.4.2001 nkm	14.5.2001 pg	Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs. Vice-Chairman
14.5.2001 nkm	18.5.2001 nkm	

Notes of the Registry	Date	Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./XXX. NO. . 101 of 2000

DATE OF DECISION 4.5.2001

Shri Biswanath Singh

APPLICANT(S)

Mr G. Choudhury and Mr J. Sarma

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

The Union of India and others

RESPONDENT(S)

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

Mr B.S. Basumatary, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

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

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?
5. Judgment delivered by Hon'ble Vice-Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.101 of 2000

Date of decision: This the 4th day of May 2001

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

Shri Biswanath Singh,
Senior Teacher,
31 Assam Rifles Middle School,
Lokhra, Sonitpur, Assam,
C/o 99 A.P.O.

.....Applicant

By Advocates Mr G. Choudhury and Mr J. Sarma.

- versus -

1. The Union of India, through the
Secretary to the Government of India,
Ministry of Human Resource Development,
New Delhi.
2. The Secretary to the Government of India,
Ministry of Home Affairs,
Government of India,
New Delhi.
3. The Director General of Assam Rifles,
Head Quarter,
Shillong, Meghalaya.
4. The Commandant,
31 Assam Rifles, Lokhra,
C/o 99 A.P.O.,
District- Sonitpur, Assam.
5. The Captain Quarter Master,
31 Assam Rifles, Lokhra,
C/o 99 A.P.O.,
District- Sonitpur, Assam.
6. The Principal,
31 Assam Rifles Middle School,
Likhra, C/o 99 A.P.O.,
District- Sonitpur, Assam.

.....Respondents

By Advocates Mr A. Deb Roy, Sr. C.G.S.C.
and Mr B.S. Basumatary, Addl. C.G.S.C.

.....

10

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

This is the second round of litigation pertaining to the order of vacation of family accommodation.

2. The applicant is a Senior Teacher in the Assam Rifles Middle School, Lokhra under 31 Assam Rifles, C/o 99 A.P.O. The applicant was allotted a family quarter on 20.11.1997 and as per the terms it was allotted for two years. By order dated 27.1.2000 the same accommodation was allotted to one Shri R.C. Malakar, Hindi Teacher. Accordingly the applicant was ordered to vacate the quarter No.LS 106 on or before 5.2.2000. The applicant submitted representation before the authority for allowing him to continue to reside in the quarter. Failing to get appropriate response from the authority, the applicant moved the Tribunal by way of an O.A. which was registered and numbered as O.A.No.61 of 2000. By order dated 16.2.2000 the O.A. was disposed of with direction to the respondents to dispose of the representation submitted by the applicant within the time prescribed. By order dated 11.3.2000 the representation of the applicant was disposed of by the respondent authority declining to extend the period of occupation of the quarter by the applicant. The applicant was accordingly directed to vacate the quarter enabling the respondent authority to allot the quarter to Shri R.C. Malakar, Hindi Teacher of the school, who was in the waiting list. Hence the present application.

3. The respondents have contested the case and have filed their written statement. The respondents have stated that accommodations are scarce in nature, and therefore, accommodation was governed by Standard Operating Procedure (SOP for short). According to the respondents such procedure was followed in order to stream line the existing procedure for allotment of married accommodation to ensure that all persons of the unit get a chance to stay with their families in the unit. The respondents in their written statement indicated the

procedure and mentioned that allotment is made for a maximum period of two years and the tenure may be increased by the Commandant in case there is no one in the waiting list.

4. We have heard Mr G. Choudhury, learned counsel for the applicant as well as Mr A. Deb Roy, learned Sr. C.G.S.C. Mr Choudhury in course of his arguments submitted that there are still some vacant quarters in which the applicant can easily be accommodated. The learned counsel also pointed out that Shri R.C. Malakar has already been accommodated. Therefore, question of vacating the quarter No.LS 106 by the applicant did not arise.

5. Prima facie, no illegality is discernible so far vacation of the quarter requiring interference from the Tribunal. But, then, if there are quarters and persons from the waiting list have already been accommodated, in that event the respondent authority need not insist for vacation of the quarter by the applicant.

6. With the above observation the application stands disposed of. No order as to costs.


(D. N. CHOWDHURY)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GAUHATI BENCH:
AT GUWAHATI.

12
Filed by the Applicant
through Mr. G. Choudhury
- Advocate
14.3.00

O.A. 101

OF 2000.

Sri Biswanath Singh

.... APPLICANT

-VS-

Union of India & Ors.

... RESPONDENTS

I N D E X.

<u>Sl. No.</u>	<u>Particulars.</u>	<u>Annexures.</u>	<u>Pages.</u>
1.	ORIGINAL APPLICATION		1- 15
2.	ANNEXURE - I		16
3.	ANNEXURE - II		17
4.	ANNEXURE - III		18
5.	ANNEXURE - IV		19
6.	ANNEXURE - V		20
7.	ANNEXURE - VI		21- 37
8.	ANNEXURE - VI (A)		38- 38(5)
9.	ANNEXURE - VII		39.

Date:

14.03.00

Filed by,
Gautam Choudhury
(GAUTAM CHOUDHURY)
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GAUHATI BENCH ::
AT GUWAHATI.

Biswanath Singh

O.A. NO. 101 /2000.

An application U/S 19 of the Central
Administrative Tribunal Act, 1985
as amended upto date.

IN BETWEEN

Sri Biswanath Singh
Son of Late Ajab Narain Singh
Senior Teacher, 31 Assam Rifles
Middle School, Lokhra,
Dist: Sonitpur, Assam
C/o 99 A.P.O.

.... APPLICANT.

-VS-

1. The Union of India,
(Through the Secretary to the
Govt. of India, Ministry of Human
Resource Development, New Delhi).
2. The Secretary to the Govt. of India
Ministry of Home Affairs,
Govt. of India, New Delhi.
3. The Director General of Assam Rifles,
Head Quarter, Shillong (Meghalaya)
Shillong-11.

Contd....

Bishwanath Singh

4. The Commandant

31 Assam Rifles, Lekhra,
C/o 99 A.P.O.

Dist: Sonitpur, Assam.

5. The Captain Quarter Master,

31 Assam Rifles, Lekhra,
C/o 99 A.P.O.

Dist: Sonitpur, Assam.

6. The Principal,

31 Assam Rifles Middle School,
Lekhra, C/O. 99 A.P.O.

Dist: Sonitpur, Assam.

..... RESPONDENTS.

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE:

A. Order No. IV 67013/24/Accn/Engr/2000/001 dated 27.01.2000
issued by the Commandant 31 Assam Rifles, Lekhra,
C/o 99 A.P.O.

B. Order No. IV 67013/25/Accn/2000/073 dated 11.03.2000
issued by the Commandant 31 Assam Rifles, Lekhra,
C/o 99 A.P.O.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the Order against which he wants redressal is within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION:

The applicant further states and declares that the application is within the limitation period prescribed

3. LIMITATION :

The applicant further states and declares that the application is within the limitation period prescribed under Section 21 of the Central Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

1. That the petitioner is a citizen of India and is a resident of village: Madhopur in the district of Vaishali, Bihar who is presently posted as Sr. Teacher in the Assam Rifles Middle School, Lokhra under the 31 Assam Rifles, C/o 99 A.P.O. and being a citizen of India is entitled to all the protection rights and privileges guaranteed to a citizen under Part-III of the Constitution of India and other relevant laws of the land.

2. That your petitioner states that after the Matriculation Examination, he applied for and was enrolled as a Junior Teacher in the 18th September, 1964 under the Assam Rifles and posted to the 4th Bn. Assam Rifles, C/o 56 A.P.O. for service.

A photocopy of the appointment letter is attached herewith and marked as ANNEXURE-I.

3. That after being appointed as a teacher your petitioner, continued to render effective service to the Assam Rifles Organisation and in the course of this service as a teacher was transferred to various places within the entire North Eastern States and he engaged himself to his profession with utmost dedication and sincerity.

Bishwanath Nath

6

4. That in course of time, after rendering very effective service as a Juniro Teacher since the year 1964 awards your petitioner attaining the status of seniority and hence in the year 1971 was allotted the senior grade and his status as a Junior teacher was elevated to that of a Senior teacher and the petitioner became designated as Sr. Teacher.

5. That your petitioner states that the schools of the Assam Rifles are run by the various units under whose Jurisdiction the school falls and the commandant of these units have the absolute control in all matters relating to these schools.

6. That your petitioner states that as per government norms and rules all the teachers of the Assam Rifles schools are entitled to Quarters and your petitioner also in the entire length of service, the span of which is around 38 years has all along remained in Govt. Quarters which is allotted to him at the time of joining in the place of posting and the same is to be vacated by him whenever the petitioner is posted out of the unit on transfer and he joins a different unit.

7. That the services of the petitioner continued in this manner and upon obtaining the seniority status in the year 1971 onwards, your petitioner continued to render service as a senior teacher. It is pertinent, to mention here that whenever any senior person (Teacher) are posted to a new unit, if he possess seniority over the other existing teachers, he is given and entrusted the works of the Head Master of that school and then the person is responsible for the general administration of the school alongwith regular and normal teaching duties.

8. That after being graded as a senior teacher, your petitioner wanted to expertise in the subject of Hindi and hence while in service, in the year 1978 enrolled himself in the Central Institute of Hindi situated at Nongthymmai (Shillong) in Meghalaya and after undergoing a course of training to teach Hindi for about a year was awarded with the Hindi Shikshana Pramanpatra certificates by the said Central Institute of Hindi.

A photocopy of the said certificate is attached herewith and marked as ANNEXURE-II.

9. That your petitioner states that whenever he also used to be senior in length of service, he was also entrusted with the god and duties of Headmaster of the particular school where he was the senior most and in these sphere of administrative duties also, the petitioner continued to silence part from being well known amongst staff and colleagues as a very efficient and dedicated teacher.

10. That since the year 1993 awards your petitioner attained the status of being senior-most teacher in whichever place he was posted to and hence as already stated above, he almost always continued to be the head master of the school he had to join and thus over all the year his experience and stature as an able Headmaster also began to grow apart from recognition as an able and efficient Teacher.

A photo copy of Handing/taking over charge certificate is attached herewith and marked as ANNEXURE-III.

Bhawna Singh

18

11. That your petitioner states that while he continued in the service under the Assam Rifles as a teacher, he always used to be accommodated in Govt. Quarters alongwith his whole family and the said Govt. Quarters used to be retained till the petitioner continued to serve in that particular station and upon transfer to another unit vacated the Quarter and look up residence in the quarters allotted to him in the new place or posting.

12. That your petitioner states that on 28th September, 97, he was transferred from 12th Assam Rifles, situated at Wokha District in Nagaland the 31st Assam Rifles Unit situated at Lakhra in the District of Sonitpur (Assam) and here also as previously mentioned, the petitioner turned out to be the senior most teacher and hence was given the charge of the Head mastership of the unit school known as 31 Assam Rifles Middle School. Situated at Lakhra in the District of Sonitpur (Assam). This particular school being situated at Lakhra was also under the command of the commanding Officer, 31 Assam Rifles, Lakhra.

3

13. That the petitioner states that on joining in the 31 Assam Rifles Middle School in the last part of September, 99 the petitioner here also was allotted with the Govt. Quarters being Quarter No. LS-106 and the petitioner upon getting allotment of the same shifted his family consisting of wife and daughters to the Quarter and resided there and continued with his charges as Head Master of the 31 Assam Rifles Middle School, Lakhra.

Lokhra

14. That on the 3rd of February, 2000 your petitioner received a letter from the Commandant of the 31st Assam Rifles and on going through the contents of the same was utterly shocked as the letter was a direction in the guise of a request to vacate the said quarters allotted to him within the 5th Feb, 2000 i.e. 2 days of receipt of the letter. The letter No. IV 67013/24/Accn/Engn/2000/001 dated 27.1.2000 also had a mention of the terms and conditions of the Battalion standard by which Quarters were allotted to people for two years only and upon completion of the said two years the Quarters are to be vacated. The direction for the vacation of the quarters was to facilitate one- Sri R.C. Malakar, Hindi Teacher of the same school.

A photocopy of the letter No. IV 67013/24/Accn/Engn/2000/001 dated 27.1.2000 is attached herewith and marked as ANNEXURE-IV.

15. That your receipt of the said letter (Annexure- IV) the petitioner immediately protested against the same and wrote a reply to the commandant of the unit, against the above-mentioned impugned letter, which was dated 5.2.2000 and contained inter-alia a plea not to evict the petitioner from the Quarter No. LS-106 and which Order if not set aside would cause him serious harm on certain reasons, but the said Commandant did not lend a compassionate ear to all the pleas made by the petitioner, rather rebuked him and made him to get out of the office. On the next day i.e. 6th Feb, 2000 the Commanding Officer again called for the petitioner and

threatened him with dire consequences if the quarters were not vacated immediately. However, the Commandant of the 31 Assam Rifles, Lokhra forced the petitioner to write an admission whereby it appears that the petitioner had agreed to vacate the said quarters positively by 17th Feb, 2000. The petitioner states herein that he had time and again requested the Commandant not to take steps as because other quarters were still lying vacant and there were other bachelor teachers also who could have been made to share the quarters with the new incumbent. The Commandant on his part however, did not agree to any of the pleadings and threatened the petitioner that if the quarters are not vacated by the 17th Feb, 2000, he will be thrown out by Jawans of the 31st Assam Rifles.

A photocopy of the reply given by the petitioner against the impugned letter dated 27.1.2000 is attached herewith and marked as ANNEXURE-V.

16. That your petitioner states that as per the Fundamental Rules of the Govt. of India, all Central Govt. Employees who are allotted with a Government Accomodation is normally permitted to retain the same till if is surrendered by the Govt. Employee or he ceases to occupy the residence or the allotement is cancelled/deemed to have been cancelled for any reason by the Director of Estates. Hence, the tactics adopted by the Commandant (Respondent No.3) to oust the petitioner from the allotted Quarters is not only arbitrary and illegal but also against all Principles of Natural Justice and is a glaring example of gross misuse of official powers.

Birju Nath Singh

17. That your petitioner states that such illegal actions are not only against all established Laws but is also against the moral code guiding the conduct of officers bequeathed with huge powers and if the same is not curtailed and censured by the Hon'ble Court, continuation of service by the subordinates and non-armed staff will because a nightmare and will deprive such people of their constitutional rights.

18. That in any manner, the illegal actions of the Respondents more particularly the respondents No. 3 and 4 can not be allowed to continue as it will cause untold miseries and harm to the petitioner. The actions perpetrated by the respondents are also against all causes of Law.

19. That the applicant further states that vide Order dated 27.1.2000 (Annexure IV) this applicant was asked to vacate the said family residential Quarters by 7th Feb, 2000 against which the applicant preferred an application before the Hon'ble Tribunal, which was numbered as O.A. 61/2000 and was disposed off on the same date on 16.2.2000 with the findings that, ..." We find no reason as to why the Annexure-IV eviction Order dated 27.1.2000 was issued, However, with direction to the respondents to dispose off the Annexure-III the representation within 2 (two) months from the date of receipt of this Order. If the applicant is still aggrieved by the decision of the respondents, he may approach this Tribunal.

Pending disposal of the representation, the applicant shall not be disturbed from his residential Quarters
The application is accordingly disposed off.

A copy of the O.A. NO.61/2000
and the Orders passed therein on
16.02.2000 is attached herewith and
marked as ANNEXURE-VI & VI(A).

20. That your applicant states that after receipt of the Orders dated 16.2.2000, the respondents again instituted a hearing allegedly pursuant to the Order dated 16.2.2000 and passed the impugned Order dated 11-03-00 against the applicant which is devoid of any statutory reason or rules and hence untenable in law.

A photocopy of the Order No. IV 67013/25/Accn/2000/073 dated 11.3.2000 is attached herewith and marked as ANNEXURE-VII.

21. That if the impugned order is not set aside and the respondents are not directed to let the petitioner remain in his legally allotted quarters, the petitioner will suffer irreparable loss and injury which can not be compensated in terms of money and the balance of convenience also lies in favour of the petitioner. Moreover, if the applicant is ousted from the residential Quarters he will have no place to go alongwith his aged ailing wife and grwon up daughters. He will be forced to come to the streets.

22. That the applicant apprehends that the applicant has got no other alternative remedy except approaching this Hon'ble Tribunal.

23. That this application is made bonafide and for the interest of Justice.

Bishnu Nath Gohain

5. RELIEFS SOUGHT FOR:

Under the facts and circumstances stated in this Application the Applicant prays for the following reliefs:-

1. That the respondents No.4 be directed not to oust the applicant from the Govt. Quarters that he is occupying being Quarter No. LS-106.
2. That the respondents, more particularly the Respondents No. 4 & 5 be directed to allow the applicant to retain his legally allotted quarters till the applicant is transferred to a new place of posting or till he continues as Headmaster of the 31 Assam Rifles Middle School, 31 Assam Rifles, Lekhara C/o 99 A.P.O.
3. That to direct the Respondents more particularly the Respondent Nos. 4 & 5 not to enforce the Order No. IV 67013/24/Accn/Engr/2000/001 dated 27.1.2000 & IV 67013/25/Accn/2000/073 dated 11.3.2000 and also not to evict the applicant from the Quarter No. LS-106 without making any alternative arrangement to accomodate the applicant in other Govt. Quarters.
4. To direct the respondents, more particularly the respondent Nos. 4 & 5 to cancel the Order No. IV 67013/24/Accn/Engr/2000/061 dated 27.1.2000 and IV 67013/25/Accn/2000/073 dated 11.3.2000

and/or to forebear from enforcing the Order against the applicant.

The above reliefs are prayed for on, amongst others the following:

G R O U N D S:

- i) For that as per the Central Fundamental Rules Part-I, an employee who is allotted a Govt. accommodation is normally permitted to retain the same till if is surrendered by him or he ceases to occupy the residence or the allotment is cancelled/deemed to have been cancelled for any reason by the Director of Estates.
- ii) For that the authorities have discriminated and violated the Rules regarding retention of Govt. Quarters by employees by directing the applicant to vacate his lawfully allotted Quarters during the tenure of his service.
- iii) For that the authorities have acted malafide by issuing the impugned Order No. IV 67013/24/Accn/Engr/2000/001 dated 27.1.2000 and IV 67013/25/Accn/2000/073 dated 11.3.2000 against the applicant by totally ignoring the existing norms and principles.
- iv) For that the applicants letter dated 5.2.2000 in response to the Order passed by the

authorities were not considered by the authorities in its true perspective and the impugned Order dated 11.3.2000 was issued without any basis whatsoever, solely to harass the applicant at his advanced age with malafide intention.

- v) For that the authorities acted in a most illegal manner by forcing the applicant on 10th Feb, 2000 to write down that he will vacate the allotted quarters No. LS-106 positively by the 17th Feb, 2000 under threat of physical torture and harassment.
- vi) For that the authorities have erred in law as well as in fact while passing the impugned Order No. IV 67013/24/Accn/Engr/ 2000/001 dt. 27.1.2000 and IV 67013/25/ 2000/073 dt. 11.3.2000 against the applicant.
- vii) For that the reason shown by the authorities for issuing the impugned order is not maintainable and is untenable in law.

6.

INTERIM RELIEF PRAYED FOR:

Under the facts and circumstances, the applicant prayed for the following reliefs during the pendency of the Application:-

1. That the respondents be directed not to enforce the order of vacating the family accommodation dated 27.1.2000 and IV 67013/25/Accn/2000/073 dt. 11.3.2000 (impugned Orders) issued by the Commandant of the 31 Assam Rifles, Lokhra, C/o 99 A.P.O. and thereby not to oust the applicant from the possession and occupancy of the family Quarter No. LS-106 until the applicant is posted to another unit or retires on superannuation.
2. That the applicant declares that there is no other remedy under any rule and the Hon'ble Tribunal is the only forum to grant the relief to the applicant.
3. That the applicant further declares that there is no other forum save and excepts filing this Application before the Hon'ble Tribunal.

7. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF THE APPLICANT:

- i) Number of the Indian Postal Order.
- OG- 493516
- ii) Name of the office which issued the Postal Order. GENERAL POST OFFICE, GAUHATI.
- iii) Date of issue of the Indian Postal Order. : 13.03.2000.

iv) Post Office at which payable.

GAUHATI.

v) Amount of the Postal Order.

- Rs 50/- only.

6. DETAILS OF THE INDEX:

An index in duplicate containing the details of the documents to be relied on is enclosed hereto.

9. LIST OF ENCLOSURES:

As per Index.

VERIFICATION.

I, Shri Bishwa Nath Singh, Son of Late Ajab Narain Singh by occupation Service, resident of Lohkra, P.O. & P.S. Rangapara, Dist. Sonitpur, presently working as Head Master 31 Assam Rifles Middle School, Lohkra C/o 99 A.P.O. do hereby declare and affirm that the statements made in the foregoing paras as true to the best of my knowledge, belief and information and I sign on this verification today this 14th day of MARCH —, 2000 at Tezpur in my Advocate's Chamber.

Bishwanath Singh

(SHRI BISHWANATH SINGH)
HEAD MASTER,
31 A.R. Middle School,
Lohkra, C/O 99 A.P.O.

THE INSPECTOR GENERAL OF ASSAM RIFLES: SHILLONG.

O R D E RNo. A/III-d/30-63/192 Dated Shillong, the 18 Sep 64

The Inspector General of Assam Rifles hereby appoints Shri Bishwa Nath Singh temporarily as a Junior Teacher in the 4 Bn Assam Rifles in the existing vacancy with effect from 1st Feb 1964 until further orders in the scale of pay of Rs. 40-1-50-AB-2g-65 p.m. plus other allowances as admissible under the rules.

Regd. No.
Date.....
C. O. 26	27-7-64
1/29/9

3/- AJIT SINGH GU RAYA,

Major-General,
Inspector General of Assam Rifles,
SHILLONG.

Memo No. A/III-d/30-63/192 (a) Dated Shillong, the 18 Sep 64
Copy forwarded to:-

1. The A G Assam & Nagaland, Shillong for information.
2. HQ State Range Q/O 56 APO for information with reference to his No. A/I/27-64/2962-63 dt 27-7-64.
3. The Comdt 4 Bn AR Q/O 56 APO for information and necessary action. The documents in respect of the individual are returned herewith.
4. Shri Bishwa Nath Singh Q/O Comdt 4 Bn AR Q/O 56 APO.


Major,
for INSPECTOR GENERAL OF ASSAM RIFLES,
SHILLONG. (PRITHI SINGH).

नामांक 3968/719
Enrolment No.

अनुक्रमांक 13
Roll No.

केंद्रीय हिंदी संस्थान, आगरा

[शिक्षा मंत्रालय, भारत सरकार द्वारा संस्थापित]

KENDRIYA HINDI SANSTHAN, AGRA

(Established by the Ministry of Education, Government of India).



हिंदी शिक्षण प्रमाणपत्र

प्रमाणित किया जाता है कि केंद्रीय हिंदी संस्थान, शिल्पीं कोंद्र में प्रशिक्षित और सन् 1978 में पश्चिम के उपर्यांत हिंदी शिक्षण प्रमाणपत्र (असम राइफल्स) की उपाधि योग्य रिट्रैट होने पर पिश्वनगरा सिंह को 1979 में उक्त प्रमाणपत्र प्रदान किया गया ।

विषय :

- | | |
|---------------------------|--------------------|
| 1. हिंदी भाषा | 2. हिंदी तात्त्विक |
| 3. शिक्षा और हिंदी शिक्षण | 4. प्रायोगिक |

थ्रेणी :

- | | |
|-----------------------------|-------------------------------|
| 1. सिद्धांत <u>सिद्धांत</u> | 2. प्रायोगिक <u>प्रायोगिक</u> |
|-----------------------------|-------------------------------|

Hindi Shikshana Pramanapatra

This is to certify that Bishwanath Singh having been trained at Kendriya Hindi Sansthan, Shillong Centre and examined in 1978, and found qualified for Shikshana Pramanapatra (Assam Rifles) was granted the said Certificate in 1979.

Subjects :

- | | |
|---------------------------------|---------------------|
| 1. Hindi Language | 2. Hindi Literature |
| 3. Education and Hindi Teaching | 4. Practical |

Division :

- | | |
|-----------------------|-------------------------|
| 1. Theory <u>112/</u> | 2. Practical <u>18/</u> |
|-----------------------|-------------------------|

पंड-पृष्ठ-अनुदान
रजिस्ट्रार/Registrar

केंद्रीय हिंदी संस्थान, आगरा
Kendriya Hindi Sansthan, Agra

दिनांक 29.4.79
Dated

निदेशक/Director

केंद्रीय हिंदी संस्थान, आगरा
Kendriya Hindi Sansthan, Agra

- 19 -

- ANNEXURE - 10

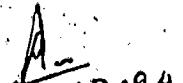
30

HANDING/TAKING OVER CHARGE CERTIFICATE

We the undersigned have jointly checked all ledger Registers and files of 19 Assam Rifles ME School and handed/taken over the charge of Head Master, ME School 19 Assam Rifles with entire satisfaction.

HANDED OVER BY


11.7.94
 (Shri BN Singh)
 Senior Teacher

TAKEN OVER BY


11.7.94
 (Shri RP Rain)
 Senior Teacher

COUNTERSIGNED


-26-

ANNOUNCEMENT31 Assam Rifles
C/O 99 APO

IV.67013/24/Actn/Engr/2000/001

27 Jan, 2000

Shri R N Singh, Ser/Teacher
Assam Rifles Middle School
Lokra, 31 Assam Rifles
C/O 99 APO

VACATION OF FAMILY ACCOMMODATION

Sir,

1. You were allotted family quarter on 20 Nov 97. As per terms and condition of the Battalion Standard and Operating procedure family accommodation is allotted for two years only.
2. You are therefore requested to vacate the quarter No. LS-106 on or before 05 Feb 2000.
3. The same accommodation is being allotted to Shri RC Malakar, H/Teacher.

Yours faithfully

(B) Ajit
Capt
Quartermaster
for Commandant

Copy to:

Principal Assam Rifles
Middle School, Lokra
31 Assam Rifles
C/O 99 APO

Received on 03 Feb 2000 at 0800 hrs-

R
03/2/2000

To,
The Commandant.
31 Assam Rifles.
C/o 99 A.P.O.

(Through proper channel)

Sir,

1. Ref. your letter No. IV-07013/24/Accn/Eng/200/001 dt. 27/Jan 2000.

2. With reference to above letter I have the honour to state you the following facts for your kind consideration and necessary action please.

That Sir, I have been serving in this force since 1964, i.e. 36 years of my service. I have been with my family members in different places of unit and I came to this unit on 28th Sept. 1997. I have my permanent residence in village Madhopur, Dist- Vaishali in the state of Bihar. I have to complete two years of service for my retirement.

That Sir, In this old age, as I have no son and all the daughter to married it is difficult to live in my native village because the same village is distributed one.

Also Sir, my wife is a patient Chronic of 'Asthma'. It is very much difficult to live her alone in the village nor I can live out side the unit like as I can no effort.

3. That Sir, as per the LCAAR transfer policy I will be posted after the tenure of this place and since it is a transferable job, I have not been asked in any unit to vacant the quarters after two years of getting accommodation in all the unit I served I have keep my family upto the full tenure.

4. That Sir, If the teachers are sanctioned 60% married accommodation, then addition 10% accommodation is left with you which can be allotted to the teacher as you have mentioned in my letter.

That Sir, I will vacate my quarter as I will be posted from this unit.

It is my sole request. I am unable to live my family as she is my backbone in the old age.

Therefore I may kindly be permitted to retain in the same accommodation.

Thanking you in anticipation.

Yours Faithfully,

Copy to :-

1. Principal A.R.M.S Lokra.


(B.N. Singh) 27/2/2000
Sr. Teacher

22 THE GENERAL ADMINISTRATIVE TRIBUNAL

COMPLAINT DIVISION

An application under section 10 of the Administrative
Tribunal Act, 1995.

Case No. 1/2000

Shri Rakesh Singh ... Applicant,
versus
The Union of India & others... Respondents.

L. R. & A.L.

Case No.

Page No.

Page No.

In the Central Administrative Tribunal, Bangalore, India.

Shri Bala Mohan Singh,
S/o. Late Ajit Narayan Singh
Senior Teacher, Sri Aurobindo Mission
Middle School, Lathmar,
District - Gurukul (Agra)
c/o. DD A.P.O.

...Applicant.

-Wishes-

1. The Union of India,

Government Civil Service & the
State of India, Ministry of
Human Resource Development,
New Delhi.

2. The Secretary to the Govt. of
India Ministry of Steel Affairs,
Govt. of India, New Delhi.

3. The Director General of Assam
Hill Head Quarters & Shillong
(Meghalaya) & Dibrugarh.

4. The Complainant is a man named,

Loknra, c/o Mr. A.P.O.

Mohamed Sanjour, (Arabic).

5. The Complainant works as a

SA Agent Riffa, Loknra,

c/o Mr. A.P.O.

Mohamed Sanjour (Arabic),

(Arabic).

6. The Principal,

SA, Agent Riffa Raddi Sanjour,

Loknra, c/o Mr. A.P.O.

Mohamed Sanjour (Arabic).

7. The Complainant has

1. Particulars of the order against which this

Application is made:

This application is against the order

No. 1 XV 67013/20/ 2000/Engg/2000/001

Dated 22.3.2000 issued by the

Comptroller, SA Agent Riffa, Loknra,

c/o Mr. A.P.O. Maf, Sanjour (Arabic),

Directing the Appellant to vacate

Family Accommodation No. L-106 allotted

to him on 20 Nov. 97.

Complaint No. 3/

- 3 -

1. The Appellant declares that the subject matter of the order of appointment referred to is subject to within the jurisdiction of this Hon'ble Court.
2. The Appellant further declares that the application is within the purview of Section.

FACTS OF THE CASE.

- (1) That the petitioner is a citizen of India and is a resident of village - Nachayir in the district of Malappuram, who is presently posted as an teacher in the Ayyan Raja Higher School, located under the St. Anna Halse, P/o 99 A.P.O and being a citizen of India is entitled to all the protection享樂 and privileges guaranteed to a citizen under Part - III of the Constitution of India and other relevant laws of the land.
- (2) That your petitioner can say that after the separation from service, he applied for and was called as a guest teacher in the 4th September, 1966 under the Ayyan Raja and posted to the 4th Ray Ayyan Raja, P/o 98 A.P.O for service.

A photocopy of the appointment letter is attached herewith and enclosed as

ANNEXURE 22.

contd.

* * *

(3) That after being appointed as a teacher your petitioner, continued to render effective service to the Assam Rifles Organisation and as the cause of his service as a teacher was transferred to various places within the entire North Eastern States and he engaged himself to his profession with utmost dedication and sincerity.

(4) That in course of time, after rendering very effective service as a junior teacher since the year 1966wards your petitioner attained the status of seniority and hence in the year 1971 was allotted the senior grade and his status as a junior teacher was elevated to that of a senior teacher and the petitioner became designated as SC. Teacher.

(5) That your petitioner states that the schools of the Assam Rifles are run by the various units under whose jurisdiction the school falls, and the commandant of these units have the absolute control in all matters relating to these schools.

(6) That your petitioner states that as per government norms and rules all the teachers of the Assam Rifles schools are entitled to quarters and your petitioner also in the entire length of service, the span of which is around 30 yrs. has all along

* 5 *

consolidated in Govt. numbers, which is allotted to him at the time of joining in a new place of posting and the same is to be recorded by his whatever the postholder is posted out of the unit on transfer and he joins a different unit.

- (7) That the services of the postholder continued to this number and span stretching the century states in the year 1971 onwards, your postholder continued to render service as a senior teacher. It is pertinent to mention here that whenever any senior person (teacher) is posted to a new unit, it is possible seniority over the other existing teachers, he is given and entrusted the works of the head master of that school and then the person is responsible for the general administration of the school alongside regular and normal teaching duties.
- (8) That after being graded as a senior teacher, your postholder wanted to expertise in the subject of Hindi and hence while in service, in the year 1973 enrolled himself in the Central Institute of Hindi situated at Honychymal (Shillong) in Meghalaya and after undergoing a course of training to teach Hindi for about a year was awarded with the Hindi

* * *

Additional Annexure concerning by the said
General Inspector of Schools.

A photocopy of the said certificate
is attached herewith and marked
as Annexure 21.

(9) That your predecessor stated that whenever
he used to be senior in length of service, he
was never entrusted with the post and charge of
Headmaster of the particular school, where he was
the senior most and in whose charge of administrative
duties also, the postholder continued to sitice
partly from being well known amongst staff and colleagues
as a very efficient and hardworking teacher.

(10) That since the year 1903 when your
predecessor obtained the status of being designated
Head in whichever place he was posted to and
though as already stated above, he always
continued to be the Head Master at the school he had to
join and thus over all the year his experience and
service as an able Head Master also began to grow
more in recognition as an able and efficient teacher.

A photo copy of a handing/
taking over charge certificate
is attached herewith and marked
as Annexure 21.

* 7 *

(11) That your petitioner states that while he commanded in thearrison under the 4th Assam Rifles, as a teacher, he always used to be accommodated in Govt. quarters although his wife family and the said sons, therefore used to be received till the petitioner continued to serve in the particular station and upon transfer to another unit vacated the quarters and took up residence in the quarters allotted to him in the new place of posting.

(12) That your petitioner states that on 26th September, 97, he was transferred from 12th Assam Rifles, billeted at village situated in Hailakandi the 31st Assam Rifles unit situated at Lakhra in the District of Goalpara (Assam) and having also as previously mentioned, the petitioner turned out to be the senior most teacher and hence was given the charge of the Head Master only of the high school known as 31 Assam Rifles Middle School situated at Lakhra in the District of Goalpara (Assam). The particular school being situated at Lakhra was also under the command of the commanding officer, 31 Assam Rifles, Lakhra.

(13) That the petitioner states that on joining in the 31 Assam Rifles Middle school in the last part of September, 97 the petitioner had also been allotted with the Govt. quarters being quarter no. 52106 and the petitioner upon getting allotment of the

- 8 -

thus granted his family consisting of wife and
daughter to the quarter and granted them and
connected with his charge as Head Master of the
31 April Allied Middle School, Kohima.

(34) That on the 3rd of February 2000 your
petitioner received a letter from the commandant of
the same Army Barracks and on going through the contents
of the same was utterly shocked as the letter was
a direction in the guise of a request to vacate the
said quarters allotted to him within the 3rd Feb,
2000 i.e. 3 days of receipt of the letter. The Letter
No. IV 67013/24/ACOM/BNR/2000/001 dated 27.1.2000
also had a mention of the term and conditions of
the allotment standard by which quarters were allotted
to people for two years only and upon completion of
the said two years the quarters are to be vacated.
The direction for the vacating of the quarters was
to facilitate one - Shri R.C. Maline, Head Teacher
of the same school.

A photocopy of the letter No. IV 67013/24/ACOM/BNR/2000/001 dated
27.1.2000 is attached herewith and
marked as Annexure -IV.

(35) That your request of the said letter
(Annexure -IV), the petitioner immediately protested
against the same and made a reply to the commandant

- 2 -

at the date, against the aforesaid impugned letter, which was dated 5.2.2000 and contained inter alia a plea for to evict the petitioner from the quarters No. 10-101 and which order it is not certain would cause him serious harm on certain grounds, but the said petitioner did not lend a response to all the以上 please made by the petitioner, rather evicted him and made him to get out of the office. On the next day i.e. 6th Feb, 2000, the commanding officer again called for the petitioner and threatened him with dire consequences if the quarters were not vacated immediately. However the commanding of the 32 Army Riffles, Lahore forced the petitioner to write an affidavit whereby it appears that the petitioner had agreed to vacate the said quarters definitely by 17th Feb, 2000. The petitioner further herein that he had done and again requested the commanding not to take this step as because other quarters were still being vacated and there were other similar soldiers also who could have been made to share the quarters with the new inhabitants. The commanding on his part however, did not agree to say of the pleading and threatened the petitioner that if the quarters are not vacated by the 17th Feb, 2000, he will be thrown out by means of the 34 of Army Riffles.

A photocopy of the reply given by the petitioner against the impugned letter dated 27.1.2000 is attached herewith and marked as Exhibit A.

(16) That your petitioner states that as per the fundamental rules of the Govt. of India, all Central Govt. Employees who are allotted with a permanent accommodation is normally permitted to retain the same till it is surrendered by the Govt. employee or he agrees to occupy the residence of the allotment is cancelled/ deemed to have been cancelled for any reason by the Director of Estates. Hence, the tactics adopted by the commandant (Respondent No. 3) to evict the petitioner from the allotted quarters is not only arbitrary and illegal but also against all principles of natural justice and is a glaring example of gross misuse of official powers.

(17) That your petitioner states that such evictions are not only against all established laws but is also against the moral code guiding the conduct of officers impregnated with high sense and if the same is not reviewed and removed by the higher authority, cancellation of service by the commandant and concerned staff will become a nightmare and will deprive such people of their constitutional rights.

(18) That in any case, the legal rights of the respondents more particularly the respondents No. 3 and 4 cannot be allowed to continue as it will cause untold sufferings and harm to the petitioner.

- 10 -

the actions perpetrated by the respondents are also against all canons of law.

- (19) That as the impugned order is not set aside and the respondents are not directed to let the petitioner, return to his legally allotted residence, the petitioner will suffer irreparable loss and injury which cannot be compensated in terms of money and the balance of convenience also lies in favour of the petitioner. However as the applicant is ousted from his residential quarters, he will have no place to go elsewhere his aged ailing wife and young wife daughter. He will be forced to live in the streets.
- (20) That the applicant apprehends that the applicants has got no other alternative remedy except approaching this honorable tribunal.
- (21) That this application is not malitiae and for the ends of justice.

5. REBELL SURESH FOR A.

Under the facts and circumstances stated in this application the applicant prays for the following reliefs :-

1. That the respondent No. 4 be directed not to evict the applicant from the Govt. quarters but he is occupying being number No. 16-106.

- 12 -

2. That the respondents, more particularly the respondent No. 4 & 5 be directed to allow the applicant to retain his legally allocated quarters till the applicant is transferred to a new place of posting or till he continues as Headmaster of the 31 acres Riddle middle school, 31 A Anna Nagar, Madras, c/o. 92 A.P. 66.
3. That to direct the respondents more particularly the respondent No. 4 & 5 not to enforce the order No. IV 67018/24/ken/tng/2000/ 601 dated 27.1.2000 and also not to evict the applicant from the quarter No. 10-106 without making any alternative arrangements to accommodate the applicant in other Govt. quarters.
4. To direct the respondents, more particularly the respondent No. 4 & 5 to cancel the order No. IV 67013/24/ken/tng/2000/601 dated 27.1.2000 wherein and / or to bar him from enforcing the order against the applicant.

The above reliefs are prayed for and
consequently the following is

Grounds 13/-

CHARGES

- (i) For that as per the Central Fundamental Rules part I, An employee has to allotted a Govt. accommodation to normally permitted to retain the same till it is surrendered by him or he causes to occupy the residence or the allotment is cancelled / deemed to have been cancelled for any reason by the Director of Estates.
- (ii) For that the authorities have disregarded and violated the rules regarding retention of Govt. quarters by employees by directing the applicant to vacate his lawfully allotted quarters during the tenure of his service.
- (iii) For that the authorities have acted malafide by issuing the impugned order No. IV 07023/26/necu/mar/2000/001 dated 27.1.2000 against the applicant by totally ignoring the existing norms, and principles.
- (iv) For that the Applicants letter dated 5.2.2000 in response to the order passed by the authorities were not considered by the authorities.
- (v) For that it is a authorities acted in a most illegal manner by forcing the applicant

- 14 -

on 10th Feb, 2000 to write down that he will vacate the allotted quarters no. 15-106 Positively by the 17th Feb, 2000 , under threat of physical torture and harassment.

- (vi) For that the authorities have erred in law as well as in fact while passing the impugned order No. IV 67013/24/accn/Enqr/2000/001 dt. 27.1.2000 against the applicant.
- (vii) For that the reason shown by the authorities for issuing the impugned order is not maintainable and untenable in law.

6. INTERIM RELIEFS PRAYED FOR :-

Under the facts and circumstances, the applicant prayed for the following reliefs during the pendency of the Application :-

1. That the respondent be directed not to enforce the order of vacating the Family Accommodation dated 27.1.2000 (Impugned order -Annexure -IV) issued b. the Commandant of the 31 Assam Rifles,

Letters, G/o, PD A.P.P.O. and thereby not to evict the applicant from the possession occupancy of the Family Quarter No. L-6108 until the applicant is posted to another unit of Zillaq on recompensation.

2. That the applicant declared that there is no other remedy under any rule and the **Family Tribunal** is the only forum to which relief to the applicant.

3. That the applicant further declared that there is no other forum save and except filing this Application before the **Family Tribunal**.

4. **Particulars of the Court order to evict the Applicant.**

(i) Number of the Indian Postal order.
(ii) Name of the office which issued the postal order.

(iii) Date of issue of the Indian Postal order.

(iv) Post office at which Payable.
(v) Amount of the Postal order.

5. **Details of the order.**

An order in duplicate containing the details of the documents to be relied on in evidence hereto.

6. **List of enclosures.**

An order.

37
49

VERIFICATION

I, Abdul Hameed Hash Singh, son of Late Haji
Hameed Singh by occupation service, resident of
Lahore, P.O. & P.A., Rangpura, Dist. Sialkot, presently
working as Head Master 32 Aman Ridha Middle School
Lahore C/o. 99 A.R.O. do hereby declare and affirm
that the statements made in the foregoing were as
true to the best of my knowledge, belief and informa-
tion and I sign on this verification today this
11th day of February, 2000 as per my
Advocate's Chamber.

ABDUL HAMEED SINGH
HEAD MASTER,
32 A.R. Middle School,
Lahore, C/o. 99 A.R.O.

FORM NO. 4

(See Rule 42.)

In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET

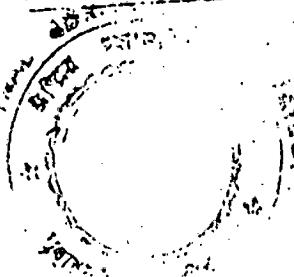
APPLICATION NO. 61/2000 OF 199

Applicant(s) Biswa Nath Singh.

Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. Gandom Choudhury.
 Mr. J. Sarma.

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

Notes of the Registry	Date	Order of the Tribunal
	16.2.00	<p>Present : Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman. Hon'ble Mr. G.L. Sanglyine, Administrative Member.</p> <p>This application is filed by the applicant seeking certain directions. The applicant is working as teacher posted in 31 Assam Rifles Middle School, Lokhra in the district of Sonitpur, Assam. He was allotted a family quarter at Lokhra. He was transferred to 31 Assam Rifles from 12 Assam Rifles, Nagaland. By Annexure-4 dated 27.1.2000 the applicant was asked to vacate the said quarter. Being aggrieved the applicant submitted Annexure-V representation dated 5.2.2000 which has not yet been disposed of. Hence the present application.</p>

Contd...

O.A. No. 61 of 2000

Date	Order of the Tribunal
16.2.00.	<p>We have heard Mr. Gautam Chaudhury, learned counsel appearing on behalf of the applicant and Mr. B.C. Pathak, learned Addl. C.G.S.C. Mr. Chaudhury submits that, the applicant is entitled a family quarter and in fact a family quarter was allotted to the applicant. We find no reason as to why the Annexure-IV eviction order dated 27.1.2000 was issued. However we make this observation tentatively as the representation of the applicant has not yet been disposed of we dispose of this application with direction the respondents to dispose of the Annexure 5 representation within two months from the date of receipt of this order. If the applicant is still aggrieved by the decision of the respondents he may approach this Tribunal.</p> <p>Pending disposal of the representation the applicant shall not be disturbed from his residential quarter.</p> <p>The application is accordingly disposed of.</p> <p style="text-align: right;">Sd/- VICECHAIRMAN Sd/MEMBER (A)</p> <p style="text-align: center;">Certified to be true Cop प्रमाणित प्रतिलिपि</p> <p style="text-align: right;">27/2/2000 16/2/2000</p> <p style="text-align: center;">Section Officer प्रमाण अधिकारी विवरण Central Admin. (C.G.S.C.) संस्थापन विवरण (संस्था) नवाहार बैचल, गोवाहार गोवाहार बाबापेंट, गोवाहार</p>

IV.67013/25/Accn/2000/073

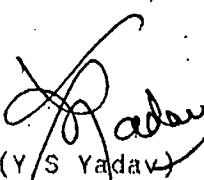
11 Mar 2000

Shri BN Singh
Sr Teacher
Assam Rifles Middle School
Lokra

STATEMENTS MADE BY SHRI BN SINGH AND THE REPRESENTATIVE
OF 31 ASSAM RIFLES ON 03 MAR 2000

Sir,

1. Ref to order dated 16 Feb 2000 passed by honourable Central Administrative Tribunal for disposal of Annexure 5 (letter dated 05 Feb 2000).
2. I have perused the statements made by you on 3 March 2000 in pursuance to the letter No. IV.67013/25/Accn/2000/016 dated 01 March 2000 and the statements made by the representative of 31 Assam Rifles before the unit Quarter Master Capt RV Soni in the office of the Quarter Master.
3. It has been made very clear to you on 3 March 2000 why further extension in the matter of occupation of married quarter by you was not possible.
4. I have to adhere strictly to the rules prevailing in the unit in the matter of allotment of quarters to the civilian and the unit personnel. Therefore, I direct you to vacate the quarter LS 1-106 forthwith enabling me to allot the same to Shri RC Malakar, Teacher of Assam Rifles Middle School who is already in the waiting list.
5. This disposes of your letter dated 5 February 2000 in compliance with the order dated 16 February 2000 of the honourable Central Administrative Tribunal.


(Y S Yadav)
Colonel
Commandant

Encl : Statements of both sides
comprising three pages

Copy to :-

1. Honourable Chairman
Central Administrative Tribunal
Guwahati. - for your kind information and record
please with reference to case
No. 61/2000
2. Headquarters
Arunachal and Assam Range
Assam Rifles
C/O 99 APO - for information with respect to our
letter No. IV.67013/25/Accn/2000/007
dated 25 Feb 2000.

allotted
1/16/00
14/3
(GANTAK CHOWDHURY)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
GUWAHATI

केन्द्रीय दस्तिक अधिकरण
Central Administrative Tribunal
12 JAN 2001
गुवाहाटी दस्तिक अधिकरण
Guwahati 8.10.2001

IN THE MATTER OF :

D.A.NO. 101/2000
(Sri Biswanath Singh
- Vs -

Union of India & Ors)

- AND -

IN THE MATTER OF :

Show cause filed by the
Respondents in the shape
of Affidavit.

I, IC-36936L Colonel Yashpal Yadav Commandant, 31 Assam
Rifles, Lokra, C/O 99 APO, Dist- Sonitpur, Assam do hereby
solemnly affirm and state as follows :

1. That I am the Commandant of 31 Assam Rifles, Lokra, Sonitpur
Assam and I have been impleaded as party Respondent No. 4 in the
instant original application. I have received a copy of the
aforesaid original application from the Central Govt Standing
Counsel, CAT, Guwahati Bench, gone through the same, understood
the contents thereof. Further I have been authorised by the Union
of India and other official Respondents to represent them in the
instant original application by way of filing written statement
and taking necessary steps time to time as such I am competent to
swear this affidavit on my own behalf as well as for and on
behalf of Union of India and official Respondents and to file
this affidavit in the Hon'ble Tribunal.

2. That this deponent does not admit any of the facts,
statements, allegations and averments made in the original
application save and except those have been specifically admitted
hereunder in this affidavit, Further the statements which are
borne on records have also been categorically denied.

Col
Commandant
31 Assam Rifles

Col. Yashpal Yadav
31 Assam Rifles
R.D. Bhowmik, Bhowmik, CAT
R.D. Bhowmik, Bhowmik, CAT

DRS
 Col
 Commandant
 31 Assam Rifles

3. That as regards the contents of paragraphs 1,2,3 of the original application this deponent does not make any comments.

4. That as regards the contents of paragraphs 4.1, 4.2, 4.3, 4.4 and 4.5 of the original application this deponent does not make any comments since those are matter of records.

5. That as regards the contents of paragraph 4.6 of the original application this deponent respectfully states that the averments made in the paragraph of the original application are not correct. As a matter of fact the allotment of married accommodation in Assam Rifle is governed by standard operating procedure (referred to here as SOP). The aim of the SOP is to lay down guide line to stream line the existing procedure for allotment of married accommodation to JCOs/DRs of 31 Assam Rifle to ensure that even a period of time all persons of the unit get a chance to stay with their families in the unit. In this connection it may be added here that the married accommodation for JCOs/DRs is available at Lokra and certain forward areas and the types of quarters available at Lokra is as shown below

TYPE OF ACCOMMODATION:

	I	II	III
	DRs	NCOs	JCOs
Lokra	124	47	22

The procedure of for applying for married accommodation is that the companies will forward application of JCOs/DRs or allotment of married accommodation duly recommended by the company commander to Quarter Master Branch. Accordingly the application is processed in the Battalion Head Quarter. Thereafter the JCOs/DRs name is entered in the waiting list.

Col
Commandant
31 Assam Rifles

register maintained by the Quarter Master Branch. The date of seniority of each individual is reckoned from the date of receipt of this application in Quarter Master Branch and the same is displayed prominently in a notice board outside Quarter Master's office. It is pertinent to mention here that the policy regarding scales of married accommodation to JCOs, ORs and civilians has been fixed in accordance with the Ministry of Home Affairs letter No. 27013/39/93-PF.V(Pt) Dtd 23.11.93 as follows :-

- (a) JCOs 50%
- (b) NCOs & ORs 14%
- (c) NCEs 14%
- (d) Civilians 60%

The company wise allotment of married accommodation and allotment showing the percentage quarters allotted to each category is as follows :-

S/No	Coy	Auth Str	Percent
1.	Tawang	113	13.27%
2.	Lunger	113	14.15%
3.	Lokra (I)	113	10.61%
4.	Dirang	113	13.27%
5.	Lokra (II)	113	10.61%
6.	Surwa Samba	113	16.81%
7.	Bn HQ Pl	58	13.79%
8.	QM Pl	113	att cat
9.	MT Pl	39	15.38%
10.	Band Pl	18	16.66%
11.	AT Pl	15	26.66%
12.	HQ Coy HQ	8	12.50%

43
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Col
Commandant
31 Assam Rifles

13. Clk/WO	44	7	15.90%
14. Sig Pl	92	12	13.04%
15. Ciph Pl	21	3	19.04%
16. Med (comb)	19	3	15.78%
17. Engr Sec	10	1	10.00%
18. Armr	4	1	25.00%
19. Fd Wksp AR	5	1	20.00%
20. Med civ staff	14	7	50.00%
21. Civilian Teacher	6	3	50.00%
22. Div Clk	4	2	50.00%
23. Mor Pl	36	5	13.89%
24. MMG Pl	21	3	14.29%
25. COs Pool		6	
26. Guest room		2	
27. KV staff		7	
28. Ration issue room		1	

Further it is pertinent to mention that allotment of such married accommodation is as per seniority,

- (I) As per seniority,
- (II) Allotment is made for maximum period of 2 years. However, this tenure may be increased by the Commandant in case there is no waiting list.
- III) Extension of tenure is not granted on grounds of academic session. In case an allottee is likely to complete 2 years tenure in mid-session such allottee is required to expedite the option of shifting the family before commencement of the session or during session.

Col
Commandant
31 Assam Rifles

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S

The extension stay beyond 2 years in a married quarter will be only on extreme compassionate ground. Effected person is required to apply in writing for such extension. In case a family is permitted to stay for a period longer than 2 years, it is obligatory for the family to shift to an alternative accommodation. Further on extreme allotment on extreme compassionate ground is at the discretion of the Commandant for a specific duration and on completion of such duration the allottee is required to vacate the quarter. It is also pertinent to mention here that if an individual refuse to adequate and suitable accommodation offer to him he cannot apply again for a period of 6 months.

Be it further stated here that there are 6 civilian teachers posted in Assam Rifles Middle School under the control of Commandant 31 ASSam Rifles. 3 teachers already occupying married accommodation including Sri B N Singh, the present applicant. 1 married accommodation has been re-appropriated and allotted to 2 teachers staying without families. Thus 4 married accommodations have been allotted to teachers which become 66% against 60% entitlement. The 6th teacher, Sri R C Malakar now who is in the waiting list is residing in civil accommodation. ✓

The applicant Sri B N Singh, Sr. Teacher in Assam Rifles Public School joined 31 Assam Rifles on 29.9.97. He applied for married accommodation on 13.10.97 and was allotted quarter No. LS 106 on 20.11.97. The tenure of 2 years as laid down in SOP in respect of Sri B N Singh completed on 20.11.99. Since at the relevant point of the time there was no waiting list in the category of civilian teachers of Assam Rifles School, he was allotted accommodation as per provisions of the said SOP.

Col
Commandant
31 Assam Rifles

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6. That as regards the contents of paragraphs 4.7, 4.8, 4.9 and 4.10 this deponent does not make any comments.

7. That as regards the contents of paragraphs 4.11 of the original application this deponent respectfully states that the retention of such allotted accommodation while posting out is also clearly laid down in the SOP since those are matter of records. The deponent does not make any further comments.

8. That as regard the contents of paragraph 4.12 this deponent does not make any comments.

9. That as regards the contents of paragraph 4.13 of the original application for the sake of brevity this deponent does not repeat, however he reiterates the contentions made in paragraph 4.6 of the original application.

10. That as regards the contents of paragraph 4.14 of the original application this deponent respectfully states that on 16.12.99 an application was received by unit from Sri R.C.Malakar teacher in Assam Rifles Middle School requesting for married accommodations as per provisions of SOP after receipt of the said application. Sri R.C.Malakar came up on the waiting list in the teachers' category. Accordingly on receipt of the aforesaid application from Sri R C Malakar the present applicant Sri B N Singh was asked to vacate the quarter vide unit letter No IV.67013/24/Accn/Engr/2000/001 ddt 27. 1 2000.

A copy of the aforesaid letter dt 27.1.2000 is annexed herewith and marked as ANNEXURE R hereof.

W
Col
Commandant
31 Assam Rifles

Be it stated that the applicant is required to vacated the married accommodation since he has already completed 2 years tenure prescribed in SOP.

11. Due to vacation of married accommodation by Shri U P Upadhyay Hindi Teacher while proceeding on permanent posting to another unit, Shri R C Malakar has been allotted married accommodation, however Shri I D Rai who was posted in form another establishment recently has also applied for married accommodation as per signal No. A 5077 dated 31 May 2000. He could not be allotted married accommodation due to non vacation of Quarter by Shri B N Singh.

12. That as regards the contents of the paragraph 4.5 of the original application this deponent respectfully states that on 7.2.2000 the applicant Sri B N Singh submitted an application vide No I 31 AR/ARMS/T/2000/583 requesting to allow him to stay in married accommodation on medical grounds. On the basis of the application Sri B N Singh was interviewed by the Commandant on 10.2.2000 and it was explained by the Commandant to Sri B N Singh in clear terms that he was required to vacate the quarter since the quarter could be allotted only for 2 years in accordance with the provision of SOP on the subject. He also made him understand that by continuing to stay in the married quarter he would be depriving the facility of accommodation to Sri R C Malakar, his fellow colleague. Be it further stated that during the said interview Sri B N Singh requested for 1 week extension of time limit to vacate the quarter and thereafter he submitted in writing on 10.2.2000 requesting for 1 week time extension so that

Col *[Signature]* b
Commandant
31 Assam Rifles

he could make alternative arrangements. Since he had given an assurance to the Commandant of the unit he would vacate the quarter, considering humanitarian factors, he was given permission to till 17.2.2000.

A copy of the application dt. 10.2.2000 is annexed herewith and marked as ANNEXURE - R hereof.

Utter surprising to the authority Sri BN Singh submitted an application vide letter No.2000/per/01/01 dt 17.2.2000 alongwith an order passed by the Hon'ble CAT having stayed the vacation of quarter allotted to him. The applicant as such belied the competent authority by approaching the Hon'ble Tribunal instead of vacating the quarter as he promised earlier. Thus he has caused grave administrative inconvenience as well as jeopardised interest of other civilian teachers who are his colleagues. That apart the applicant has further belied the Hon'ble Tribunal by making statement that he had been rebuked by the Commandant on 10.2.2000 and has cast personal aspersion against the authority which amounts to violation of conduct rule and the authority has put him to strictest proof. It is also denied that on 6.2.2000 he was ever threatened in any manner as alleged. It appears that the applicant has distorted and has depicted a complete different story in his O. A. deliberately only to make out a case so as to make a scope for intervention by the Hon'ble Tribunal. As per terms laid down in SOP in respect of allotment of married accommodation the applicant was asked to vacate the such married accommodation only on expiry of the entitled tenure of 2 years.

Col
Commandant
31 Assam Rifles

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As has been shown above the civilian employees of the unit are entitled 60% married accommodation and against that the civilian teachers of the unit have been occupying 66% married accommodation meant for civilian teachers has already been exhausted as prescribed by SOP. Thus there is no scope to allot such married accommodation to the applicant as claimed by him by way of apportionment from the entitlement of other categories of employees. The statement that he was threatened to throw out by the Jawans of 31 Assam Rifles is also totally false and the applicant is put to strictest proof.

13. That as regards the contents of paragraph 4.16 of the original application this deponent respectfully states that as has been stated above the applicant is governed by SOP in respect of allotment of married accommodation. The applicant is not governed by any other rules or circulars on the subject as claimed by the applicant as such by asking the applicant to vacate the married accommodation by giving all opportunities including personal hearing and also by granting 1 week extension the authority has not committed illegality and arbitrariness as alleged. Besides the authority has exercised within the purview of SOP, hence the authority has not exceeded any limit while discharging his administrative duties and whatever action has been taken it is for the interest of all subordinate employees and for the administrative exigencies. The allegations made by the applicant are totally baseless and deliberate as such the instant original application, on the count, is liable to be dismissed with cost.

Col
Commandant
81 Assam Rifles

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14. That as regards the contents of paragraph 4.17 and 4.18 of the original application this deponent respectfully states that as has been stated in the foregoing paragraphs of the written statement the authority concerned has not acted beyond the scope of SOP in respect of allotment of accommodation. The actions taken by the authority relating to allotment of quarter is on the basis of administrative necessity and for the interest of all subordinate employees. In the contrary it can be alleged that the applicant has deliberately approached the Tribunal to stall the actions of the authority to attain the narrow personnel gain by defeating the objectives set out in the said SOP as such has seriously jeopardised the interest of other fellow colleagues and also caused great administrative inconvenience. Moreover he has belittled the authority concerned by disobeying the order of the competent authority.

15. That as regards the contents of paragraph 4.19 of the original application this deponent respectfully states that on earlier occasion the applicant had approached the Hon'ble Tribunal against the order dt 27.1.2000 by filing an original application which was registered and numbered as O.A.No.61/2000. The Hon'ble Tribunal was pleased to dispose of the aforesaid original application vide order dt 16.2.2000 with a direction to the respondent to dispose of the representation submitted by the applicant within 2 months from the date of receipt of the order. It was also directed that pending disposal of the representation, the applicant should not be disturbed from the residential quarter.

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Commandant
31 Assam Rifles

16. That as regards the contents of paragraph 4.20 of the original application this deponent respectfully states that in pursuance of the aforesaid order passed by the Hon'ble Tribunal vide dt 16.2.2000 the competent authority before passing a reason order the matter was allowed to present by the applicant as well as by the unit.

Photostat copies of the aforesaid presentations dt 3.3.2000 submitted by the applicant as well as unit are annexed herewith and marked as
ANNEXURE *R³* and *R⁴*
respectively hereof.

Thereafter on the basis of those presentations the commandant of the unit has passed speaking order and disposed of the representation submitted by the applicant as directed by the Hon'ble Tribunal vide order No.IV.67013/25/Accn/2000/073 dt 11.3.2000.

A photostat copy of the aforesaid letter dt 11.3.2000 is annexed herewith and marked as ANNEXURE-
R⁵ hereof.

The receipt of the aforesaid order was duly acknowledged by the applicant Sri BN Singh on 11.3.2000.

A photostat copy of the acknowledgement receipt dt 11.3.2000 is annexed herewith and marked as ANNEXURE...
R⁶ hereof.

Col
Commandant
81 Assam Rifles

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17. That as regards the contents of paragraph 4.20 of the original application this deponent respectfully states that to comply with the directive issued by the Hon'ble Tribunal before passing any final order as regards the representation submitted by the applicant an opportunity was afforded to him for personal hearing in addition to his written representation and after personal hearing and after taking proper account of his written representation the same was disposed of vide dt 11.3.2000.

18. That as regards the contents of paragraph 4.21 of the original application this deponent respectfully states that the order 11.3.2000 has been passed within the scope of Standard Operating Procedure which is inviolable in so far as allotment/vacating of accommodation in Assam Rifles is concerned. It is respectfully submitted that the applicant has violated the SOP and created great administrative inconvenience as such he is liable to be dealt strictly.

19. That as regards the contents of paragraph 4.22 of the original application this deponent respectfully submits that the applicant himself has created a situation dragging the Respondent Department to new litigation resulting in serious administrative dislocation and thereby meted out great injustice to his fellow incumbents. Hence the applicant does not deserve consideration of the Hon'ble Tribunal as sought for.

20. That this deponent does not make any comments as regards the contents of paragraph 4.23 of the original application.

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21. That as regards the contents of paragraph 5 of the original application this deponent respectfully submits that the grounds cited in the original applications are not tenable in the eye of law as such under the facts and circumstances of the present case the applicant is not entitled any relief as prayed for as such the instant original application is liable to be dismissed with adequate cost.

22. That as regards the contents of paragraph 6 of the original application this deponent respectfully submits that under the facts and circumstances as stated above the applicant is not entitled any interim relief whatsoever.

23. That the statements made in paragraphs from 1 to 22 of affidavit are true to the best of my knowledge and those have been made in paragraphs 7 to 21 are true to the best of my information which have been derived from the records and the rest are my humble submission before the Hon'ble Tribunal.

And I swear and sign this affidavit this the 02 day of December 2000.

Identified by
Babu Singh Basumatay
Addl. CGSC, CAT,
Gauhati Bench.

Col
Commandant
31 Assam Rifles

DEPONENT.

The deponent has solemnly affirmed and declared before me who is identified by Sri B. S. Basumatay
Addl. CGSC, CAT, Gauhati Bench
this the 2nd day of Dec, 2000.

ADVOCATE.

Command

Leave

(14)

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C/366

31 Assam Rifles
C/O 99 APO

IV.67013/24/Accn/Engr/2000/001

27 Jan 2000

ANNEXURE R

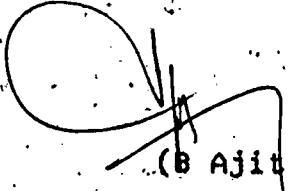
Shri B N. Singh, Ser/Teacher
Assam Rifles Middle School
Lokra, 31 Assam Rifles
C/O 99 APO

VACATION OF FAMILY ACCOMMODATION

Sir,

1. You were allotted family quarter on 20 Nov 97. As per terms and condition of the Battalion Standard and Operating procedure family accommodation is allotted for two years only.
2. You are therefore requested to vacate the quarter No. LS-106 on or before 05 Feb 2000.
3. The same accommodation is being allotted to Shri RC Malakar, M/teacher.

Yours faithfully


(B Ajit)
Capt
Quartermaster
for Commandant

Copy to:-

Principal Assam Rifles
Middle School, Lokra
31 Assam Rifles
C/O 99 APO

86
27/1/2000

ANNEXURE - R²B N Singh
Sr. TeacherAssam Rifles Middle School
403rd Assam Rifles, (1) 67

LOKRA.

10 Feb. 2000.

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To: The Commandant,
3rd Assam Rifles,
403rd A.R.C.VACATION OF FAMILY ACCOMODATION.

Sir,

1. May I request you to grant me a period of seven days up to 17 Feb. 2000 in which I can vacate the allotted quarter.

2. If permission is granted then I will positively vacate the Quarter no. L.S. 106 by 17 Feb. evening.

Yours faithfully,

B N Singh

(B. N. Singh)

Sr. Teacher.

Date	10/02/2000
GO	✓
2IC	—
Adjt	✓
Q	—
HA	✓

10/02/2000

Over See.

1945

6. I will once again request the unit to allow me to retain the accn till I get posted after completing my tenure at this loc.

7. The above statement has been given by me and I have read it over. The statement has been recorded correctly and I sign it as correct.

Date: 30/3/2000


30/3/2000

(Shri B.N. Singh)

Sr. Teacher

Assam Rifles Middle School

69

PRESENTATION OF MATTER BY SHRI B N SINGH
AS PER ORDER OF CENTRAL ADMINISTRATIVE
TRIBUNAL, GUAHATI NO 61/2000 DT 16 FEB 2000

1. Shri B N Singh, Sr Teacher in Assam Rifles Middle School have reported to the Quarter Master, 31 Assam Rifles to present my case on per 31 Assam Rifles letter No IV. 67013/25/ACCN/2000/016 dated 01 Mar 2000.
2. I had put up an application requesting to be allowed to retain accn till my posting dated 05 Feb 2000. I had put up my application since I had received a vacation order from your unit letter No IV. 67013/94/ACCN/Engr/2000/001 dt 27 Jan 2000.
3. In my application I had requested to retain my accn in the station as my wife is a asthma patient and I cannot leave her in my village since there is no one to look after her there.
4. Further, teachers are authorised 60% accn and out of 6 teachers only 3 teachers have been allotted. our constituency only 50% and thus the remaining 10% can be allotted to the teacher, Shri R C Molakar who is in the waiting list for accn.
5. I had been allotted accn on 20 Nov 97 after I had been posted to the school on 28 Sep 97; I have a balance of two years service before my retirement. In all my previous postings I had been allowed to retain my accn for my full tenure.


 03/3/2000
 (Shri B N Singh)

PRESENTATION OF MATTER BY UNIT REP AS PER ORDER OF
CENTRAL ADMINISTRATIVE TRIBUNAL, GUNAHATI
NO 61/2000 DT 16 FEB 2000

1. I, IC-53906M Capt R Thakuria of 31 Assam Rifles have reported to the Quarter Master, 31 Assam Rifles to present the case from the units side as per 31 Assam Rifles letter No. IV.67013/25/Adm/2000/016 dated 01 Mar 2000.
2. Allotment of married accommodation to personnel posted to this unit is governed by a SOP (Standard Operating Procedure) issued vide 31 Assam Rifles letter No. I.1203/34/SOP/A/- dt 20 Nov 98.
3. The aim of this SOP is to lay down guidelines to streamline the procedure for allotment of married accommodation to unit personnel including civilians to ensure that over a period of time all personnel of the unit get a chance to stay with their families in the unit. As per the SOP overall shortage of married accommodation in the unit is shared by all categories including civilian employees. The SOP also ensures that all personnel get the chance to avail the facility of keeping their families in the unit area without being partial to any category of persons in particular.
4. As per unit SOP on allotment of married accommodation, allotment is made for a period of two years for all categories of personnel irrespective of their rank and status. This tenure can be increased by the Commandant in case there is no waiting list in respective categories.
5. As per Ministry of Home Affairs letter No. 27013/ 39/93-PF.V(Pt) dated 23 Nov 93 forwarded by Headquarters DGAR letter No. VIII.11029/176/LNE/93-Engr dated 27 Sep 93 the scale of married accommodation is as follows :-

(a) JCOs	50%
(b) NCOs & ORs	14%
(c) Civilians	60%
6. There are six civilians teachers posted in Assam Rifles Middle School. Three teachers are already occupying married accommodation including Mr BN Singh. One married accommodation has been re appropriated and allotted to two teachers staying without families. Thus four married accommodations have been allotted to teachers making it 66% which is over and above the quota mentioned in para 6 (c) above. The sixth teacher, Mr RC Malakar is residing in civil accomodation.
7. Shri BN Singh, Sr Teacher in Assam Rifles Public School joined 31 Assam Rifles on 29 Sep 97. He applied for married accommodation on 13 Oct 97 and was allotted Quarter No. LS-106 on 20 Nov 97. The tenure of two years in respect of Shri BN Singh completed on 20 Nov 99. Since there was no waiting list in the category of civilian teachers of Assam Rifles Middle School, he was allowed to stay on in his allotted accommodation within the provisions of the SOP.

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8. On 16 Dec 99 an application was received by the unit from Shri RC Malakar, Teacher in Assam Rifles Middle School requesting for married accommodation. After receipt of his application Mr RC Malakar came up on the waiting list in the teachers category.

9. On receipt of the application from Shri RC Malakar, Shri BN Singh was asked to vacate the quarter as per the SOP of the unit. The vacation order was given to Shri BN Singh vide our unit letter No. IV.67013/24/Accn/Engr/ 2000/001 dated 27 Jan 2000.

10. On 07 Feb 2000 Shri BN Singh put up an application vide letter No. I.31AR/ARMS/T/2000/583 requesting to be allowed to stay in the allotted married accommodation due to medical problems. On the basis of the application Shri BN Singh was interviewed by the Commandant on 10 Feb 2000. During the interview it was explained by the Commandant to Mr BN Singh that he would have to vacate the quarter since the quarter could be allotted only for two years as per the SOP on the subject. He was also explained that by continuing to stay in the married quarter he would be denying the facility of accommodation to Mr RC Malakar, his fellow colleague.

11. During the interview the individual requested for one weeks extension of time limit to vacate the quarter. Then Mr BN Singh vide his application dated 10 Feb 2000 requested for one weeks time to vacate the allotted married accommodation so that he could make alternative arrangements. Since he had given an assurance to the Commandant that he would vacate the quarter, he was given permission to retain married accommodation till 17 Feb 2000.

12. On 17 Feb 2000, Mr BN Singh put up an application vide letter No. 2000/Per/01/01 alongwith an order issued by the Central Administrative Tribunal seeking a stay on vacation of quarter allotted to him. By taking such a step he has gone back on his words of vacating the quarter within seven days which is a breach of trust. More over he is causing inconvenience to other civilian teachers who are his colleagues.

13. The above statement has been given by me and I have read it over. The statement has been recorded correctly and I sign it as correct.

Dated : 03 Mar 2000

-(IC-53906M Capt R Thakuria)
Unit Representative.

ANNEXURE - R⁵

(20) 59
31 Assam Rifles
C/O 99 APO

IV.67013/25/Accn/2000/073

11 Mar 2000

Shri BN Singh
Sr Teacher
Assam Rifles Middle School
Lokra

STATEMENTS MADE BY SHRI BN SINGH AND THE REPRESENTATIVE
OF 31 ASSAM RIFLES ON 03 MAR 2000

Sir,

1. Ref to order dated 16 Feb 2000 passed by honourable Central Administrative Tribunal for disposal of Annexure 5 (letter dated 05 Feb 2000).
2. I have perused the statements made by you on 3 March 2000 in pursuance to the letter No. IV.67013/25/Accn/2000/016 dated 01 March 2000 and the statements made by the representative of 31 Assam Rifles before the unit Quarter Master Capt RV Soni in the office of the Quarter Master.
3. It has been made very clear to you on 3 March 2000 why further extension in the matter of occupation of married quarter by you was not possible.
4. I have to adhere strictly to the rules prevailing in the unit in the matter of allotment of quarters to the civilian and the unit personals. Therefore, I direct you to vacate the quarter LS 1-106 forthwith enabling me to allot the same to Shri RC Malakar, Teacher of Assam Rifles Middle School who is already in the waiting list.
5. This disposes of your letter dated 5 February 2000 in compliance with the order dated 16 February 2000 of the honourable Central Administrative Tribunal.


(Y S Yadav)
Colonel
Commandant

Encl : Statements of both sides
comprising three pages

Copy to :-

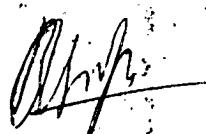
1. Honourable Chairman
Central Administrative Tribunal
Guwahati.
- for your kind information and record
please with reference to case
No. 61/2000
2. Headquarters
Arunachal and Assam Range
Assam Rifles
C/O 99 APO.
- for information with respect to our
letter No. IV.67013/25/Accn/2000/007
dated 25 Feb 2000.

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29

PRESENTATION OF MATTER BY SHRI BN SINGH AS PER
ORDER OF CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
NO 61/2000 DT 16 FEB 2000

1. I, Shri BN Singh, Sr.Teacher in Assam Rifles Middle School have reported to the Quarter Master, 31 Assam Rifles to present my case as per 31 Assam Rifles letter No. IV.67013/25/Accn/2000/016 dated 01 Mar 2000.
2. I, had put up an application requesting to be allowed to retain accn till my posting dated 05 Feb 2000. I had put up my application since I had received a vacation order fwd. vide your unit letter No. IV.67013/24/Accn/Engr/2000/001 dt 27 Jan 2000.
3. In my application, I had requested to retain my accn in the station as my wife is a asthama patient and I cannot leave her in my village since there is no one to look after her there.
4. Further, teachers are authorised 60% accn and out of 6 teachers only 3 teachers have been allotted accn constituting only 50% and thus the remaining 10% can be allotted to the teacher, Shri RC Malakar who is in the waiting list for accn.
5. I had been allotted accn on 20 Nov 97 after I had been posted to the school on 28 Sep 97. I have a balance of two years service before my retirement. In all my previous posting I had been allowed to retain my accn for my full tenure.
6. I will once again request the unit to allow me to retain the accn till I get posted after completing my tenure at this loc.
7. The above statement has been given by me and I have read it over. The statement has been recorded correctly and I sign it as correct.

Dated : 03 Mar 2000


(Shri B N Singh)
Sr Teacher
Assam Rifles Middle School

22

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PRESENTATION OF MATTER BY UNIT REP AS PER ORDER OF
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
NO 61/2000 DT 16 FEB 2000

1. I, IC-53906M Capt R Thakuria of 31 Assam Rifles have reported to the Quarter Master, 31 Assam Rifles to present the case from the units side as per 31 Assam Rifles letter No. IV.67013/25/Accn/2000/016 dated 01 Mar 2000.
2. Allotment of married accomodation to personnel posted to this unit is governed by a SOP (Standard Operating Procedure) issued vide 31 Assam Rifles letter No.I.1203/34/SOP/A/- dt 20 Nov 98.
3. The aim of this SOP is to lay down guidelines to streamline the procedure for allotment of married accommodation to unit personnel including civilians to ensure that over a period of time all personnel of the unit get a chance to stay with their families in the unit. As per the SOP overall shortage of married accommodation in the unit is shared by all categories including civilian employees. The SOP also ensures that all personnel get the chance to avail the facility of keeping their families in the unit area without being partial to any category of persons in particular.
4. As per unit SOP on allotment of married accommodation, allotment is made for a period of two years for all categories of personnel irrespective of their rank and status. This tenure can be increased by the Commandant in case there is no waiting list in respective categories.
5. As per Ministry of Home Affairs letter No. 27013/ 39/93-PF.V(Pt) dated 23 Nov 93 forwarded by Headquarters DGAR letter No. VIII.11029/116/LNE/93-Engr dated 27 Sep 93 the scale of married accomodation is as follows :-

(a) JCOs	50%
(b) NCOs & ORs	14%
(c) Civilians	60%
6. There are six civilians teachers posted in Assam Rifles Middle School. Three teachers are already occupying married accomodation including Mr BN Singh. One married accomodation has been re appropriated and allotted to two teachers staying without families. Thus four married accomodations have been allotted to teachers making it 66% which is over and above the quota mentioned in para 6 (c) above. The sixth teacher, Mr RC Malakar is residing in civil accomodation.
7. Shri BN Singh, Sr Teacher in Assam Rifles Public School joined 31 Assam Rifles on 29 Sep 97. He applied for married accomodation on 13 Oct 97 and was allotted Quarter No. LS-106 on 20 Nov 97. The tenure of two years in respect of Shri BN Singh lapsed on 20 Nov 99. Since there was no waiting list in the category of civilian teachers of Assam Rifles Middle School, he was allowed to stay on in his allotted accomodation within the provisions of the SOP.

23

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8. On 16 Dec 99 an application was received by the unit from Shri RC Malakar, Teacher in Assam Rifles Middle School requesting for married accommodation. After receipt of his application Mr RC Malakar came up on the waiting list in the teachers category.
9. On receipt of the application from Shri RC Malakar, Shri BN Singh was asked to vacate the quarter as per the SOP of the unit. The vacation order was given to Shri BN Singh vide our unit letter No. IV.67013/24/Accn/Engr/ 2000/001 dated 27 Jan 2000.
10. On 07 Feb 2000 Shri BN Singh put up an application vide letter No.I.31AR/ARMS/T/2000/583 requesting to be allowed to stay in the allotted married accommodation due to medical problems. On the basis of the application Shri BN Singh was interviewed by the Commandant on 10 Feb 2000. During the interview it was explained by the Commandant to Mr BN Singh that he would have to vacate the quarter since the quarter could be allotted only for two years as per the SOP on the subject. He was also explained that by continuing to stay in the married quarter he would be denying the facility of accommodation to Mr RC Malakar, his fellow colleague.
11. During the interview the individual requested for one weeks extension of time limit to vacate the quarter. Then Mr BN Singh vide his application dated 10 Feb 2000 requested for one weeks time to vacate the allotted married accommodation so that he could make alternative arrangements. Since he had given an assurance to the Commandant that he would vacate the quarter, he was given permission to retain married accommodation till 17 Feb 2000.
12. On 17 Feb 2000, Mr BN Singh put up an application vide letter No. 2000/Per/01/01 alongwith an order issued by the Central Administrative Tribunal seeking a stay on vacation of quarter allotted to him. By taking such a step he has gone back on his words of vacating the quarter within seven days which is a breach of trust. More over he is causing inconvenience to other civilian teachers who are his colleagues.
13. The above statement has been given by me and I have read it over. The statement has been recorded correctly and I sign it as correct.


(IC-53906M Capt R Thakuria)
Unit Representative.

Dated : 03 Mar 2000

ANNEXURE - R⁶

24

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16

RECEIPT

Letter bearing No IV.67013/25/Accn/2000/073 dated
11 Mar 2000 received from 31 Assam Rifles on 11 Mar 2000.

Received by



Signature : Shri B N Singh 11/3/2000

Name : Shri B N Singh

Designation : Sr Teacher

Assam Rifles Middle School