

of 100 3  
**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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## FORM NO. 4

(See Rule 42)

## In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

APPLICATION NO. 386

OF 199 2001

Applicant(s)

S. K. Oberoi

Respondent(s)

U.O.I &amp; Others

Advocate for Applicant(s)

X

Advocate for Respondent(s)

C.G.S.C

Notes of the Registry	Date	Order of the Tribunal
1. This application is in form but not in the <u>Correct</u> <u>format</u> Petition is filed and filed vide M. P. Regd. No. X C. P. for L.S. 37 filed and vide IPO/BD No 29385684 Dated.....18/9/2001  Dy. Register	25.9.01  mb	None is present for the applicant. List on 3/10/01 for admission.  I.C.C. Shree Member
	3.10.01	Present : Hon'ble Mr.D.N.Chowdhury, Vice-Chairman.  The applicant, in this application, has assailed the legitimacy of the action of the respondents in allotment of the quarter. The applicant, in this proceeding has contended that the respondents are not adhering to the principles of fair allotment of quarter on the basis of accepted norms, mainly, seniority, basic pay etc.
Order dtd. 25/9/01. Commu- nicated to Sri S.K.Oberoi, P. Executive, Doordarshan Kendra, Joruguri, by Regd A.D. 3676 dtd. 27/9/01.  Jm.		I have heard Mr.B.C.Pathak, learned Addl.C.G.S.C for the respondents. Mr.Path

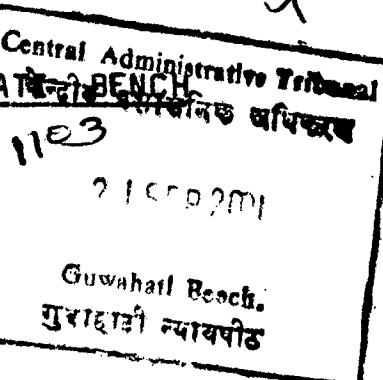
Contd..

Notes of the Registry	Date	Order of the Tribunal
Pl. comply order cltd 3.10.2001.	3.10.01	<p>contd..</p> <p>has submitted that there are set of guidelines in allotment of the quarter so that allotments are made justly and fairly.</p> <p>There is no dispute that in the matter of allotment of quarter the authorities are required to act in a just and fair manner by assiduously adhering to the guidelines. The matter may be taken care of by the respondent Director, Doordarshan itself.</p> <p>In these circumstances, the applicant is directed to submit a representation before the Director, Doordarshan within two weeks from the receipt of the order of this Tribunal narrating all <del>the</del> his grievances. If such representation is made by the applicant, the respondents shall take care of the situation <sup>for allaying the grievances</sup> and pass a reasoned order within two months from the date of receipt of the representation as per law. If the applicant is still aggrieved, he may approach this Tribunal for redressal of his grievances.</p> <p>Subject to the observations made above, the application is disposed of. There shall, however be no order as to costs.</p> <p>bb</p> <p>12.10.2001</p> <p>Copy of the order has been sent to the Dpeo for issuing the same to the applicant as well as to the Add. GSSC. for the Record.</p> <p>sl</p>

# Court Copy I

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH  
::::::GUWAHATI::::::

O.A. NO. .... 386 | 2001



IN THE MATTER OF

S.K. OBEROI  
PROGRAMME EXECUTIVE  
DOORDARSHAN  
ITANAGAR

APPLICANT

V/S

DIRECTOR,  
DOORDARSHAN,  
ITANAGAR,  
ARUNACHAL PRADESH

RESPONDENT

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To be decided  
on merits in  
absentia

S. Oberoi  
19/9/01

Programme Executive  
DOORDARSHAN KENDRA  
ITANAGAR

S. Oberoi  
APPLICANT 19/9/01  
DOUBLE M.A., LLB

sol(t)  
20/9/01

Mr. Datta  
At Post  
20/9/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

:::::::GUWAHATI:::::::

O.A. NO.....386.....| 2001

BETWEEN :

**SIRI S.K. OBEROI**

**APPLICANT**

**VERSUS**

**DIRECTOR,  
DOORDARSHAN,  
ITANAGAR,  
ARUNACHAL PRADESH**

**RESPONDENT**

*S. Oberoi*  
Programme Executive 19/9/01  
DOORDARSHAN KENDRA  
ITANAGAR

2  
4

DETAILS OF APPLICATION UNDER SEC. 19 OF ADMINISTRATIVE  
TRIBUNAL ACT : 1985

1. PARTICULARS OF THE ORDERS AGAINST WHICH THE APPLICATION IS MADE :

That the application is against the Arbitrary, illegal and discriminatory action of the respondent against the Quarter allotment made to the applicant vide their order No. DDK/ITA/35(4)/2001-G dated 5th Sept\*2001.

ANNEXURE-A-I

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 Tribunal.

3. Limitation :

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

4. FACTS OF THE CASE :

The facts of the case are given as under :  
That the applicant joined Doordarshan, Itanagar as Programme Executive on transfer from Delhi, Doordarshan on 4/9/2001.

4.1) That, Seniority & Basic Pay of the official determines the type of Quarter allotted to him.

4.2) That, the applicant has been allotted a type-II quarter while entitled for type-IV special as the basic pay of the applicant is Rs.10,500/-

4.3) That, Sh. Kamlendra Sarbhai who is working as ASE at DDK, Itanagar who is drawing basic pay of Rs.9,950/- which is less than the applicant, has been allotted type-IV accommodation at Doordarshan Colony, while the applicant has been ignored while drawing higher basic pay, which is the criteria of allotment Govt. quarter.

4.4) That in the circumstances, the applicant

*Sh. Kamlendra Sarbhai*  
Programme Executive  
DOORDARSHAN KEDARAKA  
ITANAGAR  
19/9/01

has no other choice left but approach the Hon'ble Tribunal.

5. GROUND FOR RELIEF :

A) Because as Sh. Kamlendra Sarbhai has been allotted type-IV quarter in the colony though drawing less than the applicant, who has only been allotted type-II accomodation.

B) Because as per the Rule :

Eligibility : As per basic pay

Priority date : The date from which the Govt. servant is continuously in service.

C) Because the colourable excercise of power, discrimination is well established.

6. DETAILS OF THE REMEDIES EXHAUSTED :

That applicant declares that he has availed of all the remedies available to him under the relevant service rules i.e. applied on the prescribed application form for type-IV Special quarter, though allotted only type-II.

7. Matters not previously filed or pending before any court of Law :

The applicant further declares that he has not previously filed or pending before any court of Law.

8. RELIEF SOUGHT :

In view of the facts mentioned in para 4 & 5 above, the applicant prays for the following relief :

i) That the application may be admitted with cost.

ii) The respondent be directed to allot me atleast type-IV accomodation which is available in Doordarshan Colony

*S. K. Sarbhai*  
19/9/01  
DFO, DD COLONY, DDRA  
MAIL DATE

4

iii) That the Hon'ble Tribunal may issue such other appropriate order or orders directions or direction as deemed fit and proper by this Hon'ble Tribunal to need the ends of justice. B

9. Interim relief if any prayed for : NIL

10. Date of Hearing by post : Case may be decided on merits in absentia.

11. Particulars of the postal order in respect of the application fee :

A postal Order No. 7G 385684 dated 18.9.2001 of Rs.50/- issued from the Itanagar Post Office is annexed hereto.

12. List of Enclosures : As per Index.

Place : Itanagar.

Dated : 19/9/01

*S. Subbeyai*  
Applicant, 19/9/01  
Double M.A., LL.B.

*S. Subbeyai*  
19/9/01  
LAW COLLEGE & LIBRARY  
BOARD OF EXAMINATIONS  
ITANAGAR

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VERIFICATION

I, Surinder Kumar Oberoi, S/O Shri J.L. Oberoi, R/O C-II/7, Doordarshan Colony, Itanagar aged around 49 years, working as Programme Executive in the Doordarshan Kendra, Itanagar, do hereby verify the Contents of the para 1 to 4, 6, 7, 8 to 12 to be true and correct to my persoul knowledge and para 5 true based on the legal advice and that I have not suppressed only material fact.

DATED : ...19/9/01...

Surinder  
APPLICANT,  
DOUBLE M.A., LLB.

Surinder  
Programme Executive  
DOORDARSHAN KENDRA  
ITANAGAR 19/9/01

A-1

PRASAR BHARATI  
BROADCASTING CORPORATION OF INDIA  
DOORDARSHAN KENDRA: ITANAGAR

NO.DDK|ITA|35(4)|2001-G|2747

DATED, ITANAGAR  
THE 5TH SEPT. 2001.

O R D E R

With immediate effect the following staff member(s) have been allotted DDK, Staff quarter as shown against the name.

SL.NO.	NAME AND DESIGNATION	QUARTER ALLOTTED
1.	Th. Shyamsundar Singh, A.O.	C-VII 1
2.	Sri S.K. Oberoi, PEX	C-II 7
3.	Sri R.A. Choudhury, SEA	C-VI 3
4.	Sri Indrajeet, Sr. Tech.	C-IV 8

The allottees should occupy the quarter immediately and submit occupation report to the office within 7(Seven) days of receipt of this office order.

The allottee should maintain the quarters and the premises in a clean and tidy condition to the satisfaction of the Controlling Authority and shall clear the electricity and water charges etc. from time to time.

Sd/-

(TH. SHYAMSUNDAR SINGH),  
ADMINISTRATIVE OFFICER,  
FOR DIRECTOR.

Copy to :-

1. The above officials.
2. Accounts Section : Bill clerk(in duplicate).

Type Copy

S. Oberoi

FOR DIRECTOR.

Programme Executive 18/9/01  
DOORDARSHAN KENDRA  
ITANAGAR

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