

100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

4

O.A./T.A No. 185/2004

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

E.P./M.A No.....

1. Orders Sheet..... OAPg. 1to 3.....
MP 97/04 orderPg. 1to 2 Allow - 26.8.04
2. Judgment/Order dtd 29.3.2004.....Pg. 1to 3 8/04
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 195/04Pg. 1to 2-9
5. E.P/M.P. 97/04.....Pg. 1to 4
6. R.A/C.P.....Pg.to
7. W.S.....Pg. 1to 7
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.....

SECTION OFFICER (Judl.)

FORM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

185/2004
Org. App./Miss. Petr./Cont. Petr./Rev. Appl.

In O.A.

Name of the Applicant(s) H.C. Sankar & Others

Name of the Respondent(s) UOI & Ors.

Advocate for the Applicant Mr P.K. Tiwari
Mr J. Pankaj Sharma

Counsel for the Railway/C.G.S.C. Adv. Case - A.K. Chaudhary

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

26.8.04

Present : The Hon'ble Sri D.C. Verma,
Vice-Chairman.
The Hon'ble Sri K.V. Prahladan,
Member(A)

Heard Sri P.K. Tiwari, learned counsel for the applicants.

Issue notice to the respondents to file reply.

As regards interim relief it is ordered that the respondents shall not give effect to the orders dated 26.7.04 4.8.04 and 9.8.04 passed by the respondents in this O.A. in relation to the presents applicants with regard to Government accommodation which they are presently occupying.

Respondents to file reply as to why the interim order shall not be made absolute.

List on 5.10.04 for filing reply and admission.

ICV Pradhan
Member(A)

Vice-Chairman

1) Slips taken.
2) Copy not yet served.
Notice & order sent to D/Section for issuing to D/Section for issuing to resp. Nos. 1 to 4, by regd. with A/D post.

7/9/04.
D/Section NO-1428 to 1431
10/10/04

29.11.2004

List the case for hearing on
21.1.2005.

18.11.04

D/c Submitted
by the Respondent Nos.
1, 2, 3 & 4.

[Signature]
Member

bb

09.02.2005

List on 10.02.2004 for hearing
before the Division Bench.

[Signature]

Case is ready for hearing.

[Signature]
8-2-05

[Signature]
Member (J)

mb

10.02.2005 Present: The Hon'ble Mr.M.K.Gupta, a
Member (J).

The Hon'ble Mr.K.V.Prahladan,
Member (A).

It is reported by Ms.U.Das, learned
counsel that Mr.P.K.Tiwari, learned
counsel for the applicant is out of
station and ~~xxxxx~~ hence seeks adjourn-
ment. Accordingly, adjourned to
16.2.2005.

Case is ready for hearing.

[Signature]
Member (A)

[Signature]
Member (J)

bb

16.2.2005

It is contended by the
respondents in their reply that the
Government accommodation occupied by the
applicants are not meant for Defence
civilians and as a welfare measure when
such accommodation was available, was
allowed to the applicants. Since some
troops are already in process of
returning from counter insurgency
operations the said accommodation was
meant to be occupied by the concerned
army personnel. As such there is an
urgency in the matter. Accordingly it
is to be listed for hearing on 18.2.05
before the Single Bench.

[Signature]
Member (A)

[Signature]
Member (J)

nk m

Applicant's ready for
hearing.

[Signature]
15-2-05

JA 185/04

~~O.A.198/2004~~

7

Notes of the Registry | Date | Order of the Tribunal

18.2.2005

Adjourned to 16.3.2005.

[Signature]
Member

bb

16.3.05

At the request of counsel for the applicant the case is adjourned to 23.3.05.

[Signature]
Vice-Chairman

pg

29.3.2005

Heard Mr J. Purkayastha, learned counsel for the applicants and Mr A.K. Chaudhuri, learned Addl. C.G.S.C. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.

[Signature]
Vice-Chairman

nkm

19.4.05

Copy of the
Judgment has been
sent to the D/Sec.
for issuing the same
to the applicant as well
as to the Addl. C.G.S.C.

[Signature]

Recd copy
AK Chaudhuri
25/4/05

5

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~B.A.~~ No. 185 of 2004

DATE OF DECISION 29.3.2005

Shri Haren Chandra Sarkar and five others.....APPLICANT(S)

Mr P.K. Tiwari and Mr J. Purkayastha.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

Union of India and others.....RESPONDENT(S)

Mr A. K. Chaudhuri, Addl. C.G.S.C.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE-CHAIRMAN

THE HON'BLE MR.

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.185 of 2004

Date of decision: This the 29th day of March 2005

The Hon'ble Justice Shri G. Sivarajan, Vice-Chairman

1. SD-214757
Haren Chandra Sarkar
Sanitary Mate
Station Head Quarter, Tenga
C/o 99 APO
2. SD-214844
Dinesh Rajak
Conservancy Safaiwalla
Station Head Quarter, Tenga
C/o 99 APO.
3. SD-214874
Nagendra Mishra
Conservancy Safaiwalla
Station Head Quarter, Tenga
C/o 99 APO.
4. SD-214867
Ashok Kumar Das
Sanitary Mate,
Station Head Quarter, Tenga
C/o 99 APO.
5. SD-214758
Lal Dev Rai
Sanitary Mate
Station Head Quarter, Tenga
C/o 99 APO.
6. SD-214875
Deben Mahanta
Conservancy Safaiwalla,
Station Head Quarter, Tenga
C/o 99 APO.

.....Applicants

By Advocates Mr P.K. Tiwari and
Mr J. Purkayastha.

- versus -

1. Union of India, through the
Secretary, Ministry of Defence,
Government of India,
South Block, New Delhi.
2. General Officer Commanding (GOC)
5th Mountain Division, Tenga Valley,
C/o 99 APO.
3. Station Commander,
Station Head Quarter, Tenga,
C/o 99 APO.
4. Administrative Commandant,
Station Head Quarter, Tenga,
C/o 99 APO.

.....Respondents

By Advocate Mr A.K. Chaudhuri, Addl. C.G.S.C.

.....

X

O R D E R (ORAL)

SIVARAJAN. J. (V.C.)

The applicants, six in number, are Defence Civilian staff who are posted at Tenga Valley region of Arunachal Pradesh. They have been provided with Quafter at Tenga Valley on 5.12.1995, 18.9.1999, 22.1.1998, 22.2.1998, 28.10.1996 and 14.11.1996 respectively. They are presently aggrieved by an order dated 26.7.2004 (Annexure-A/3 colly) stating that the allotment was on temporary basis and that they should vacate the Quarters on 31.8.2004 positively. The reason stated is that it was for the purpose of accommodating other Conservancy staff who are presently on waiting list. According to the applicants they are not liable to vacate the Quarters for the purpose of accommodating their juniors in service without providing alternative accommodation to them.

2. The respondents have now filed a written statement wherein apart from the reasons stated in the impugned order, it is stated that there is no Government accommodation at Tenga area for Defence civilians and that Defence civilians are not entitled to any Government accommodation. It further stated that a total of thirteen family quarters were allotted to Defence civilians of Tenga Headquarters as a welfare measure. It is also stated that additional troops being inducted in the Station, even the existing conservancy staff who are occupying Government accommodation will be asked to vacate the quarters in future for requirement of army personnel. Various other reasons are also stated to justify the impugned order.

1

[Signature]

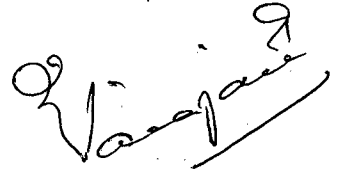
3. I have heard Mr J. Purkayastha, learned counsel for the applicants and Mr A.K. Chaudhuri, learned Addl. C.G.S.C. appearing for the respondents. It is relevant to note that the reason stated for vacating the applicants from the quarters is that other Defence civilian conservancy staff are in the waiting list for accommodation. If that is the only reason the respondents may not be justified in evicting the applicants who have already been provided with quarters just to accommodate juniors who are in the waiting list. *unless there is any rule in that behalf* This ~~only~~ can be done only if they have been provided with other alternative accommodation. However, from the written statement it has come out that army personnel ^{are} returning after counter insurgency operations and that they have to be accommodated for which the Defence civilians have to be vacated from the premises. It is the case of the respondents that Tenga area is meant for military personnel only and that thirteen quarters have been provided to Defence civilians only as a welfare measure. If that be so, if military personnel are returning after counter insurgency operations and if there is no accommodation available to them in that area, certainly the respondents are justified in vacating the applicants from the quarters allotted to them.

4. Taking into account of the circumstances of the case we direct the applicants to make an appropriate representation pointing out all these aspects before the concerned respondents within a period of two months from today. If any such representation is filed the respondents will consider the same keeping in mind the observations made hereinabove and pass appropriate orders in the matter within a period of two months from the date of receipt of the representation. In the meantime, unless the eviction of

[Signature]

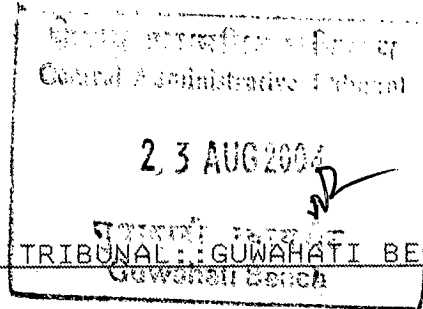
the applicants from the quarters is for the purpose of accommodating the military personnel who are returning after insurgency operations, further process of eviction of the applicants from the quarters will be deferred till a decision is reached by the respondents on the representation of the applicants. This is particularly in view of the fact that there is already an existing interim order to that effect.

The O.A. is accordingly disposed of. No order as to costs.



(G. SIVARAJAN)
VICE-CHAIRMAN

nkmm



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O.A. No. 185 of 2004

BETWEEN

SD-214757, Haren Chandra Sarkar & Ors. ...Applicants

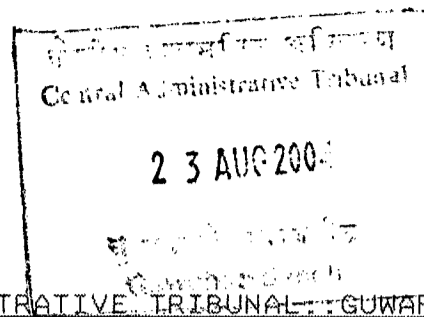
- VS -

Union of India & Ors. ...Respondents

SYNOPSIS

That the Applicants are the defence civilian staff who are posted at tenga Valley region of Arunachal Pradesh. They are aggrieved by the similar/common letters of even No. of July/August, 2004 issued by the Respondent No. 4 on behalf of respondent No. 3 calling upon the Applicants to vacate their allotted quarters by 31.8.2004. The Applicants are living with their families in the quarters allotted to them. From these very quarters Applicants are being sought to be evicted for accommodating other defence/non-defence civilian staff. It is the case of the Applicants that the Respondents have been acting arbitrarily and whimsically in the matter of allotment and vacation of quarters. Large numbers of quarters are lying vacant but the Respondents continue their discriminatory behaviour against the conservancy staff like the Applicants. In the Tenga Valley army provide accommodation even to the staff of Bank and Kendriya Vidyalaya. The Conservancy staff like the Applicants belong to the lowest strata of the Army. Allotment/vacation of the quarters is a weapon of coercion to browbeat the vulnerable Conservancy staff.

The Respondents do not follow any uniform principle or method to allot and vacate the quarters. Since the impugned letters have been issued arbitrarily without any just or sufficient reason, therefore the present application.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - GUWAHATI BENCH

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

Title of the Case : O.A. No. 185 of 2004

Dinesh Rajak & 5 Ors. ... Applicants

- Versus -

Union of India & Ors. ... Respondents

I N D E X

Sl. No.	Particulars of the documents	Page No.
1.	Application ...	1 to 13
2.	Verification ...	14
3.	Annexure-A/1 colly ...	15- 19(a)
4.	Annexure-A/2 colly ...	20 - 22(a)
5.	Annexure-A/3 colly ...	23 - 28(a)

For use in Tribunal's Office :

Date of filing :

Registration No.

REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH

O.A. No. 185 of 2004

BETWEEN

1. SD-214757
Haren Chandra Sarkar
Sanitary Mate,
Station Head Quarter, Tenga
C/o 99 APO
2. SD-214844
Dinesh Rajak
Conservancy Safaiwalla
Station Head Quarter, Tenga
C/o 99 APO
3. SD-214874
Nagendra Mishra
Conservancy Safaiwalla
Station Head Quarter, Tenga
C/o 99 APO
4. SD-214867
Ashok Kumar Das
Sanitary Mate,
Station Head Quarter, Tenga
C/o 99 APO
5. SD-214758
Lal Dev Rai
Sanitary Mate
Station Head Quarter, Tenga
C/o 99 APO
6. SD-214875
Deben Mahanta,
Conservancy Safaiwalla,
Station Head Quarter, Tenga
C/o 99 APO

... Applicants

AND

1. Union of India through the
Secretary, Ministry of Defence,
Government of India, South Block,
New Delhi.
2. General Officer Commanding (GOC),
5th Mountain Division, Tenga Valley,
C/o 99 APO
3. Station Commander, Station Head
Quarter, Tenga, C/o 99 APO

13
Filed by:
The Applicant
Through:
Jitendra Kumar Das
Advocate.

4. Administrative Commandant, Station
Head Quarter, Tenga, C/o 99 APO.

..... Respondents

DETAILS OF APPLICATION

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

The present application is being jointly filed against the similar/common orders of July/August, 2004 for vacation of Government accommodation, by the Administration Commandant, Station Head Quarter, Tenga.

2. JURISDICTION OF THE TRIBUNAL :

The applicants declare that the subject matter of the instant application for which they want redressal is well within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :

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

4. FACTS OF THE CASE :

4.1 That the Applicants in the present case are aggrieved by the common orders of Respondent No. 4 directing them to vacate the Government quarters which were allotted to them. The grievances of the Applicants are common and the reliefs which they are seeking are also common. Hence the present application is being filed jointly as the Applicants have a common interest

H.C.9

in the matter. The Hon'ble Tribunal may be pleased to give liberty to the Applicants to file this application jointly in terms of Rule 4 (5) (a) of the CAT Procedure Rules, 1987.

4.2 That the Applicant No. 1 is a Sanitary Mate at the Station Head Quarter Tenga, the Applicant No. 2 is a Conservancy Safaiwalla at the Station Head Quarter, Tenga. Similarly the Applicant No. 3 is a Conservancy Safaiwalla at the same place. The Applicant No. 4 is a Sanitary Mate. The Applicant No. 5 is also a Sanitary Mate and the Applicant No. 6 is a Conservancy Safaiwalla. All these Applicants are placed at the Station Head Quarter, Tenga and they are defence civilian staff.

4.3 That the Tenga Valley in the State of Arunachal Pradesh falls in the district West Kameng. The terrain is difficult and the area is thinly populated comprising primarily of the local tribals who live in the huts. There is no civic life in the region. The 5th Mountain Division is located in the Tenga Valley. The highest ranking officer is the General Officer Commanding (Respondent No. 2). The Respondent No. 3 is of the rank of Brigadier and the Respondent No. 4 is of the rank of full colonel.

4.4 That the life in Tenga Valley is integrally connected with the requirements of Army. The administration of the entire area, requirements of accommodation and other basic necessities of life, are

dependent upon the Army. There is a Kendriya Vidyalaya in the area along with a branch of State Bank of India. These establishments have been set up in Tenga Valley primarily for the requirements of the Army i.e. 5th Mountain Division. Even the staff of the State Bank of India and that of Kendriya Vidyalaya are dependent upon the Army to provide them accommodation. This is simply because that apart from Army there is no accommodation of any kind which is available in Tenga Valley.

4.5 That as stated earlier the Applicants are defence civilians staff. They are non combatants. These Applicants are called Conservancy staff as they look after cleanliness and the maintenance of Army area. The Conservancy staff consist of -

- (i) 5 Sanitary Mates,
- (ii) 128 Conservancy Safaiwallas
- (iii) 2 General Supervisors
- (iv) 1 Store Keeper
- (v) 1 Account Clerk

4.6 That it is not only the Army which has Sanitary Mates and Conservancy Safaiwallas but even in the Military Engineering Service (MES) which is a wing of the Army, there are Safaiwallas. The recruitment of Safaiwallas in Army are made through Employment Exchange. In the case of these Applicants, the recruitment was made through District Employment Exchange, Bomdila.

4.7 That for providing accommodation to Army personnels and to various other staffs of Bank,

Kendriya Vidyalaya, MES and other defence civilian staffs like the present Applicants, the quarters available with the Army are distributed amongst these staffs. In view of the fact that in a place like Tenga Valley no other accommodation except the one provided by the Army is available, it is to be expected that the Respondents would follow a proper guideline in the matter of giving allotment of quarters to the staffs. However, this is not so and the allotments are made in an arbitrary manner on a pick and choose basis. Very often Respondents whimsically and arbitrarily direct vacation of the allotted quarters. Ordinarily the lowest strata of the defence civilian staff is the victim of the high handedness and arbitrariness in the matter of allotment of quarters and the orders which are passed for vacating the quarters.

4.8 That with the exception of the present Applicants and few others the majority of conservancy Safaiwallas are local Nepalese who are borne in the Tenga Valley region. These local Safaiwallas have their dwellings in the Tenga Valley region in the form of huts. Since these local safaiwallas do not require any Army accommodation for themselves, it is only in the case of non-locals like the present Applicants that the accommodation is needed.

4.9 That the housing in the Army is in the form of barracks and quarters. In the present case we are concerned primarily with the Type-1 quarters which are meant for the staff of the status of Conservancy

18

Safaiwallas and Sanitary Mate etc. So far as the barracks are concerned the facility of accommodation therein is given to the staff without families. Apart from soldiers/jawans, the un-married staff belonging to MES and other un-married defence civilian staffs of clerical grade are also provided accommodation in the barracks. The defence civilian staff of the status of present Applicants cannot be given accommodation in the barracks. In any case all the present Applicants have their families in Tenga and there is no question of their getting accommodation in a place which is not meant for families.

4.10 That the quarters of Army are located in various places in Tenga Valley region. There are 54 quarters in Tenga Lodge. There are around 100 quarters at Chindit Top. This is basically a married complex and majority of the quarters are lying empty since last three/four years. At present cows and buffaloes can be seen making use of these empty quarters. Similarly in a place called Rupa and Gacham there are around 100 quarters. Most of these quarters are lying empty since last three/four years. It is pertinent to mention that these quarters are primarily meant for accommodation of soldiers.

4.11 That since last few years Indo-China border is no longer active. The operational requirements of the Army in the region are also substantially less. Be that as it may, even if soldiers come in large numbers, the accommodation can certainly be provided to the defence civilian staff. From the very beginning of their stay

H.C.S.

in Tenga Valley the Applicants have seen availability of large numbers of empty quarters.

4.12 That the bank staff lives in the quarters provided to them by the Respondents at Chindit Top. The staff of the Kendriya Vidyalaya lives in quarters provided to them by the Respondents at both Rupa and Tenga areas. Similarly, the Safaiwallàs of MES and also of the bank have been provided accommodation by the Respondents in various places of Tenga region.

4.13 That the Applicant No. 1 was provided the quarter by the Respondent No. 4 vide letter dated 5th December, 1995 at Tenga Lodge. The Applicant No. 2 was provided the quarter at Chindit Top by the Respondent No. 4 vide letter dated 18th September, 1999. The Applicant No. 3 was provided with the quarter at Chindit Top by the Respondent No. 4 vide letter dated 22nd January, 1998. Similarly the Applicant No. 4 was allotted the quarter vide letter dated 22nd February, 1998 at Chindit Top. The Applicant No. 5 was provided with the quarter at Rupa West vide letter dated 28th October, 1996. The Applicant No. 6 was also provided with the quarter at Rupa West vide letter dated 14th November, 1996 and the same was renewed in July, 2000. However, the Applicant No. 6 is not in possession of the copy of the allotment order and the same will be produced before this Hon'ble Tribunal at the time of hearing of this case. The details of the quarters allotted to the Applicants with their respective dates of allotment are given herein below in the form of a chart.

Applicant No.	Details of quarter	Date of allotment
1.	Qrtr. No. P/O/36-D Tenga Lodge	5.12.95
2.	Qrtr. No. P/O/19-H Chindit Top	18.9.99
3.	Qrtr. No. P/O/8-L Chindit Top	22.1.98
4.	Qrtr. No. P/O/18-B Chindit Top	22.2.98
5.	Qrtr. No. P/O/11-H Rupa West	28.10.96
6.	Qrtr. No. P/O/15-H Rupa West	14.11.96

Copies of the orders of allotment of Applicants No. 1 to 5 are annexed herewith and marked as Annexure-A/1 colly

4.14 That the Respondents after allotment of quarters to the Applicants forcibly took certificate of undertaking from the Applicants to the effect that they will vacate the quarters allotted to them as and when they will be directed to do so. It is submitted that such an undertaking is unheard of in a Government service. Since only Army can provide accommodation in Tenga valley, therefore the Applicants had no other alternative but to give an undertaking to the Respondents of vacating the quarter as and when they would be called upon to do so. The factum of Respondents extracting such an undertaking from the Applicants goes on to show the arbitrary manner in which the Respondents are exercising the powers of allotting quarters at Tenga Valley.

Copies of the aforesaid undertakings taken from the Applicants are annexed herewith and marked as Annexure-A/2 colly.

4.15 That vide letter dated 26.7.2004 the Respondent No. 4 acting on behalf of Respondent No.3 directed the Applicant No. 1 to vacate the quarter No. P/O/36-D at Tenga Valley by 31st August, 2004. Curiously it was stated in the letter that the same quarter is to be allotted to another Conservancy staff whose name is in the waiting list. The letter prima facie shows the discriminatory manner in which the Respondents are behaving. The Applicants are allotted with the quarter on the basis of their seniority. The other Conservancy staff who are junior to the Applicants do not enjoy a better right than the Applicants of getting allotment of the quarter.

That in a similar manner letters dated 26.7.2004 were issued to the Applicant No. 2 and 3. The Applicant No. 4 was issued with such a letter dated 4.8.2004 and the Applicant No. 5 was served such a letter dated 9.8.2004. The Applicant No. 6 also was served with such a letter dated 9.8.2004. In each of these cases the respective Applicants were directed to vacate the quarters by 31.8.2004.

Copies of the impugned letters dated 26.7.2004, 4.8.2004 and 9.8.2004 are annexed herewith and marked as Annexure-A/3 colly.

4.16 That the Respondents are not following any method or any proper guidelines or principles in the matter of allotment of quarters to the defence civilian staff. As stated earlier large numbers of quarters are lying vacant and many of these quarters have become a home of large number of animals like cows and buffellows. Moreover, when Respondents provide accommodations to outsiders like the staff of Bank and Kendriya Vidyalaya there is no reason as to why they should discriminate against their own staffs like the present Applicants.

4.17 That as stated earlier the plight of Conservancy staff of the Army is worse than that of a Conservancy staff of MES. Even Grade-IV staff of Bank and Kendriya Vidyalaya are treated in a far better way than the conservancy staff of the Army. In an organisation like Army wherein hierarchies and chain of commands are respected, the employees belonging to the lowest strata like the Conservancy staff become the victims of highhandedness and arbitrariness of the Respondents.

4.18 That the Respondents by their highhandedness and arbitrary behaviour have been violating the fundamental right of the Applicants under Article 14 of the Constitution. The Respondents should treat their staff fairly and in a non-discriminatory manner. The Applicants are not seeking any preferential treatment from the Respondents. What they are seeking is the just and fair treatment. The Respondents should follow a uniform principle in the matter of allotment and vacation of quarters. The quarters cannot be allotted

whimsically and arbitrarily on pick and chose basis. Quarters are not the largess which the Respondents can distribute as per their sweet will without following any method or set pattern.

4.19 That the Applicants have made out a prima facie case of arbitrariness and illegality on the part of the Respondents in issuing the impugned letters calling upon the Applicants to vacate their allotted quarters by 31.8.2004. The present case is a fit case wherein this Hon'ble Tribunal may be pleased to suspend the aforesaid impugned letters because in the event of such an interim order not being passed the Applicants would be thrown out of their quarters forcibly. The families of the Applicants are living with them and these Applicants would have no where to go in Tenga Valley with their families. Hence the balance of convenience is with the Applicants and they would suffer irreparable loss and injury if the interim order as prayed for not passed by this Hon'ble Tribunal.

4.20 That the applicants file this application bonafide for securing the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 Because the impugned letters directing the Applicants to vacate the quarters by 31.8.2004 have been issued arbitrarily on extraneous considerations and as such the same are in contravention of Article 14 of the Constitution.

5.2 Because by issuing impugned letters the Respondents have discriminated against the Applicants for the purpose of meeting out preferential treatment to the Conservancy staff of their choice.

5.3 Because the Respondents have been favouring the employees of their choice. The quarters are allotted arbitrarily and the same are also made to vacate arbitrarily.

5.4 Because the impugned letters have been issued without any just and sufficient reason. When so many quarters are lying empty and the Respondents can easily accommodate other conservancy staff into those quarters, there is no reason as to why the Applicants should be made to vacate the quarters allotted to them.

5.5 Because the Respondents have not followed any uniform principle or method in the matter of allotment and vacation of quarters.

6. DETAILS OF REMEDIES EXHAUSTED :

That the Applicants state that they have no other alternative efficacious remedy except by way of approaching this Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicants further declare that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of

the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

8.1 To quash and set aside the impugned letters of even No. 107/30/Q dated 26.7.2004, 4.8.2004 and 9.8.2004 (Annexure-A/3 colly).

8.2 To direct the Respondents to follow a uniform principle/method in the allotment and vacation of quarters.

8.3 Pass such other order/orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

8.4 Cost of the application.

9. INTERIM ORDER PRAYED FOR :

In the facts and circumstances of the case, the Applicants pray that this Hon'ble Tribunal may be pleased to suspend the impugned letters of even No. 107/30/Q dated 26.7.2004, 4.8.2004 and 9.8.2004 (Annexure-A/3 colly).

10.

The Application is filed through, Advocate

11. PARTICULARS OF THE I.P.O. :

- (i) I.P.O. No. : 206/114065
(ii) Date : 23.08.2004
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

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

I, Haren Chandra Sarkar, aged about 44 years, son of Late Gopal Chndra Sarkar, resident of Qrtr. No. P/O/36-D, Tenga Lodge, do hereby solemnly affirms and verify that the statements made in the accompanying application in paragraphs 1 to 4.12, 4.16 to 9 are true to my knowledge ; those made in paragraphs 4.13, 4.14 & 4.15 being matters of records are true to my information derived therefrom. The grounds urged are as per legal advise. I have not suppressed any material fact.

And I sign this verification on this the 20th day of August, 2004 at Guwahati.

Haren Chandra Sarkar

Deponent

-15-

ANNEXURE - A/1 Colly

Sthaniya Mukhyalaya
Station Headquarters
Tenga

107/30/Q

05 Dec 95

Sh HC Sarkar
Sanitary Mate

Shri K. Tenga

ALLOTMENT OF MD ACCN TO CONSV SFWLS ON
COMPASSIONATE GROUNDS

1. Ref your application dt 25 Nov 95.
2. House No P/O/36/D at Tenga Ledge is hereby allotted to you on temp basis. The allotment will be cancelled at 30 days notice without providing any alternative accn in case the house is reqd by this HQ.
3. Please take over the house from MES and intimate this HQ accordingly by 12 Dec 95. On vacation the house will be properly handed over back to MES by you and any damage/loss found to the house will be settled by you. Proper handing/taking over will be carried out.

(Signature)
(M L Kalra)
Lt Col
Offg Adm Comdt
for Stn Cdr

Copy to :-

GE 859 EWS - Rent and allied charges as applicable to the indl
as per latest gov. policy to be recd

CERTIFIED AS TRUE COPY

Shri K. Tenga
ADVOCATE
19/8

107/30/Q
181 HH

28
- 16 -
Station Headquarters
Tenga
18 Sep 99

Shri Dinesh Rajak
Stn HQ Tenga

ALLOTMENT OF MD ACCN FROM STN CDR'S POOL

1. The following qtrs at Chindit Top/Upper Dahung are hereby allotted to the pers as mentioned against each on temp basis:-

- (a) P/O/17-G at C/Top - Hav/CK AB Rana, 181 MH
- (b) P/O/19-H at C/Top - Shri Dinesh Rajak, Stn HQ Tenga
- (c) P/O/4-C at Upper Dahung - NK/LA Harmesh Yadav, 181 MH

2. The allotment is valid for three months from the date of taking over of accn. The allotment may be cancelled at 30 days notice without providing any alternative accn in case the house is required by this HQ.

3. Pleases take over the above houses from MES and intimate to this HQ accordingly. Proper handing/taking over will be carried back to MES on vacation/withdrawal.

4. Qtr. No. P/O/17-G at C/Top allotted to Shri Dinesh Rajak of Stn HQ Tenga vide our letter No. 157/33/G dt 10 Jul 99 is hereby cancelled.

Copy to
BEO 859 Engr Wks Sec
Maint Cell Chindit Top
Maint Cell/B&R Dahung

Sd/-
(NS Dhillon)
Col
Adm Comdt
for Stn Cdr.

RECEIVED 18 SEP 1999

Shri Dinesh Rajak
19/8

16(a)
29
Station Headquarters
Tenga

187/38/Q

18 Sep 99

181 MH

Shri Dinesh Rajak,
Stn HQ Tenga

ALLOTMENT OF MD ACCN FROM STN CDR'S POOL

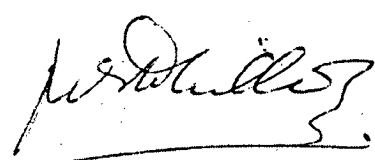
1. The following qtrs at Chindit Top/Upper Dahung are hereby allotted to the pers as mentioned against each on temp basis :-

- (a) P/O/17-B at C/Top - Hav/Ck AB Rana, 181 MH.
- (b) P/O/19-H at C/Top - Shri Dinesh Rajak, Stn HQ Tenga
- (c) P/O/4-C at Upper Dahung- Nk/LA Harmaesh Yadav, 181 MH

2. The allotment is valid for three months from the date of taking over of accn. The allotment may be cancelled at **30 days notice without** providing any alternative accn if case the house is required by this HQ.

3. Please take over the above houses from MES and intimate to this HQ accordingly. Proper handing/taking over will be carried out and it will be ensured that the house is properly handed over back to MES on vacation/withdrawal.

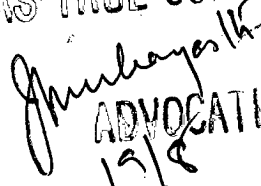
4. Qtr No P/O/17-B at C/Top allotted to Shri Dinesh Rajak of Stn HQ Tenga vide our letter No 187/38/Q dt 18 Sep 99 is hereby cancelled.


(JMS Dhillon)
Col
Adm Comdt
for Stn Cdr

Copy to :-

BSD 859 Engr Wks Sec
Maint Cell Chindit Top
Maint Cell/B&R Dahung

CERTIFIED AS TRUE COPY


ADVOCATE
12/8

Col
Adm Comdt
Tenga
For Stn Cdr

- 17 -

30

- 22 -

107/30/Q

Sthaniya Mukhyalaya
Station Headquarters
Tenga
22 Jan 98

Shri N. Mishra
Stn HQ Tenga

ALLOTMENT OF MD ACCN FROM STN CDR'S POOL

1. House No. P/O/8L at Chindit Top is hereby allotted to SD-214874 Despatcher Shri N. Mishra of this HQ on temp basis for three months. The allotment will be cancelled at 30 days notice without providing any alternative accn in case the house is required by this HQ.
2. Please directed the indl to take over the house from MES and intimate to this HQ accordingly. proper handing/taking over will be carried out. Any damage/loss found to the house will be settled by the indl.
3. Qr No. P/O/36E at tenga Lodge will be handed over back to MES by the indl. Undertaking cert from the indl is enclo.

Sd/-
(A.K. Singh)
Lt. Col
Offg Adm Comdt
for Stn Cdr.

Copy to
BSO 859 Engr Wks Sec
for necessary action. Rent and allied charges will be rec from the indl.
Maint Cell Chindit Top- Please take over Qr No. P/O/36E at tenga Lodge on your charge and handover Qr No. P/O/8L at Chindit Top to the indl.

CERTIFIED AS TRUE COPY
Shunbanyashe
ADVOCATE
19/8

Sthaniya Mukhyalaya
Station Headquarters
Tenga.

22 Jan 98

107/30/2

Shri N Mishra
Stn HQ Tenga

ALLOTMENT OF HD ACCN FROM STN CDR's POOL

1. House No P/O/8L at Chindit Top is hereby allotted to SD-214874 Despatcher Shri N Mishra of this HQ on temp basis for three months. The allotment will be cancelled at 30 days notice without providing any alternative accn in case the house is required by this HQ.

2. Please direct the indl to take over the house from MES and intimate to this HQ accordingly. Proper handing/taking over will be carried out. Any damage/loss found to the house will be settled by the indl.

3. Or No P/O/36E at Tenga Ledge will be handed over back to MES by the indl. Undertaking cert from the indl is encl.

(A K Singh)
Lt Col
Offg Adm Comat
for Stn Cdr

Copy to :-

BSD 859 Engr Wks Sec - for necessary action. Rent and allied charges will be rec from the indl.
Maint Cell Chindit Top - Please take over Or No P/O/36E at Tenga Ledge on your charge and handover Or No P/O/8L at Chindit Top to the indl.

CERTIFIED AS TRUE COPY

ADVOCATE

19/8

18
Sthaniya Mukhyalaya
Station Headquarters
Tenga


107/30/Q

22 Feb 98

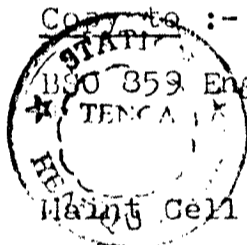
S/Mate Ashok Kumar Das
Stn HQ Tenga

ALLOTMENT OF MD ACCN FROM STN CDR's POOL

1. Ref your application dated 28 Jan 98.
2. House No P/O/18B at Chindit Top is hereby allotted to Shri Ashok Kumar Das on temp basis for three months of this HQ. The allotment will be cancelled at 30 days notice without providing any alternative accn in case the house is required by this HQ.
3. Please take over the house from MES and intimate to this HQ accordingly. Proper handing/taking over will be carried out. Any damage/loss found to the house will be settled by you. Undertaking cert will follow.


(A K Singh)
Lt Col
Offg Adm Comdt
for Stn Cdr

Copy to :-



BPO 859 Engr Wks Sec - Rent and allied charges as applicable to the indl as per latest Govt policy will be rec from the indl.

Maint Cell Chindit Top - for necessary action.

CERTIFIED AS TRUE COPY

Shubhayanthe
ADVOCATE
12/8

- 19 -

33

- 28 -

107/30/Q

Sthaniya Mukhyalaya
Station Headquarters
Tenga
28 Oct 96

Shri Lal Dev Rai
Sanitary Mate, Stn HQ Tenga

ALLOTMENT OF MD ACCN FROM STN CDR'S POOL

1. House No. P/O/13/H at Rupa West is hereby allotted to you on temp basis for three months. The allotment will be cancelled at 30 days notice without providing any alternative accn in case the house is required by this HQ.
2. Please take over the house from MES and intimate to this HQ accordingly. proper handing/taking over will be carried out. Any damage/loss found to the house will be settled by you. Proper handing/taking over will be carried out.

Sd/-
(Y.P. Singh)
Col
Offg Adm Comdt
for Stn Cdr.

Copy to
BSO 859 Engr Wks Sec
for necessary action. Rent and allied charges as applicable to the indl as per latest Govt policy to be rec from the indl.

AGE B & R Rupa - for necessary action.

CERTIFIED AS TRUE COPY
Jhulayash
ADVOCATE
19/8

Sthaniya Mukhyalaya
Station Headquarters
Tenga

107/30/Q

Oct 96

-19(a)-

28

37

Shri Lal Dev Rai
Sanitary Mate, Stn HQ Tenga

ALLOTMENT OF ML ACCN FROM STN CDR'S POOL

1. House No P/4/13/II at Rupa West is hereby allotted to you on temp basis for three months. The allotment will be cancelled at 30 days notice without providing any alternative accn in case the house is required by this HQ.

2. Please take over the house from MES and intimate to this HQ accordingly. On vacation the house will be properly handed back to MES by you and any damage/loss found to the house will be settled by you. Proper handing/taking over will be carried out.

(Y P Singh)
Col
Adm Comdt
for Stn Cdr

Copy to :-

GB 859 Engr Wks Sec - Rent and allied charges as applicable to the indl as per latest Govt policy to be rec from the indl.

AGE B & H Rupa - for necessary action.

CERTIFIED AS TRUE COPY

Shri Lal Dev Rai
ADVOCATE
19/8/96

-20-

A/2³⁴ Cally

CERTIFICATE OF UNDERTAKING

I No. B.552034 of Consv Mate is hereby certify and undertake that I will vacate house No. P/O/36/D at tenga Lodge allotted to me by Stn HQ at 30 days notice /wo asking for any alternative accn. In case of any loss to life/property of my self or my family member I myself will be held responsible for the same and no one else is to blamed.

Stn: C/o 99 APO
Dated 7 Jan 96

Sd/- H.C. Sarkar

VERIFIED AS TRUE COPY
Jhenbaryasna
ADVOCATE
19/8

CERTIFICATE OF UNDERTAKING

20(a)

I No. B-552034

of Consu mate

is hereby certify and undertake that I will vacate house

No P101361/D at Tenra Loder allotted to me by

Stn Hd at 30 days notice w/o asking for any alternative

accn. In case of any loss to life/property of my self or

my family members I my self will be held responsible for

the same and no one else is to be blamed.

Stn : e/a 99 APO

Dated: 7 Jan 96

Sh. HC. Sankar
Rank Sant Mate
SD 214757

CERTIFIED AS TRUE

Shukhaya
ADVOCATE
19/8

CO
Adm
Tm

21-

37

CERTIFICATE OF UNDERTAKING TO VACATE ALLOTTED
DEFENCE MARRIED ACCOMMODATION.

1. No. SD-214875 Rank Consv Safai Name Deven Mahanta hereby undertake to vacate the Qtr No. P/O/11-E (defence accommodation) allotted to me as and when desired by Station Headquarters/allotting authority on 15 days notice without asking for an alternate accommodation or any compensation thereof in lie.

2. Also hereby undertake that any of my family members or any one else acting on my behalf shall not ask for any compensation of any type in cash or kind when so directed to vacate the defence quarter irrespective of the ground for issue of such vacation orders. Such orders may be issued at the discretion of Station Headquarters as and when deemed appropriate without assigning any reason, whatsoever.

3. The validity of the period of allotment of the above accommodation is 11 months from the date of signature or earlier as ordered by Station Headquarters Tenga.

Dated : 03 Aug 2000

(Signature of the Indl)
SD-214875 Consv Safai Seven Mahanta

Signed in my presence

Witness No. 1
Name of Suppt
Signature

Witness No.
Name of Suppt
Signature

COUNTERSIGNED
Sd/-
Adm Comdt
Tenga

CERTIFIED AS TRUE COPY
Shubhakar
ADVOCATE
19/8

-21(a) ✓

38

hereby undertake to vacate the Qtr No 4/0/19/11 (defence accommo-
dation) allotted to me as and when desired by Station Headquar-
ters/alloting authority on 15 days notice without asking for an
alternate accommodation or any compensation thereof in lie.

2. I also hereby undertake that any of my family members or any one else acting on my behalf shall not ask for any compensation of any type in cash or kind when so directed to vacate the defence quarter irrespective of the grounds for issue of such vacation orders. Such orders may be issued at the discretion of Station Headquarters as and when deemed appropriate without assigning any reason, whatsoever.

3. The validity of the period of allotment of the above accommodation is 11 months from the date of signature or earlier as ordered by Station Headquarters Tanga.

दि. १२/०८/१९७१

(Signatures of the Indl)
SD-2148-4 Conv Safai Dinesh Rajak

Witness No 1

Signature Ryan

Witness No 2

51166

COUNTERSIGNED

Col
Adm Counclt
Tanga
For Sta Cdr.

Shukhoyevskiy
1918

- 22 - 37

- 19 -

CERTIFICATE OF UNDERTAKING TO VACATE ALLOTTED
DEFENCE MARRIED ACCOMMODATION.

1. No. SD-214844 Rank Consv Safai Name Dinesh Rajak hereby undertake to vacate the Qtr No. P/O/19-H (defence accommodation) allotted to me as and when desired by Station Headquarters/allotting authority on 15 days notice without asking for an alternate accommodation or any compensation thereof in lie.

2. Also hereby undertake that any of my family members or any one else acting on my behalf shall not ask for any compensation of any type in cash or kind when so directed to vacate the defence quarter irrespective of the ground for issue of such vacation orders. Such orders may be issued at the discretion of Station Headquarters as and when deemed appropriate without assigning any reason, whatsoever.

3. The validity of the period of allotment of the above accommodation is 11 months from the date of signature or earlier as ordered by Station Headquarters Tenga.

Dated : Aug 2000

(Signature of the Indl)
SD-214844 Consv Safai Dinesh Rajak

Signed in my presence

Witness No. 1
Name of Suppt
Signature

Witness No.
Name of Suppt
Signature

COUNTERSIGNED
Sd/-
Adm Comdt
Tenga

CERTIFIED AS TRUE COPY


Shankar
ADVOCATE
19/8

22 (2) - 40

CERTIFICATE OF UNDERTAKING TO VACATE ALLOTTED
DEFENCE MARRIED ACCOMMODATION

1. I (No SD-214875 Rank Consy Safai Name Deven Mahanta)
hereby undertake to vacate the Qtr No 0/11-E (defence accommo-
dation) allotted to me as and when desired by Station Headquar-
ters/alloting authority on 15 days notice without asking for an
alternate accommodation or any compensation thereof in lie.
2. I also hereby undertake that any of my family members or any
one else acting on my behalf shall not ask for any compensation
of any type in cash or kind when so directed to vacate the
defence quarter irrespective of the grounds for issue of such
vacation orders. Such orders may be issued at the discretion of
Station Headquarters as and when deemed appropriate without
assigning any reason, whatsoever.
3. The validity of the period of allotment of the above accom-
modation is 11 months from the date of signature or earlier as
ordered by Station Headquarters Janga.

Dated : 03 Aug 2000


(Signatures of the Indl)
SD-214875 Consy Safai Deven Mahanta

Signed in my presence

Witness No 1

Name & appt P.K. Paul, Supr

Signature P. Paul

Witness No 2

Name & appt P. B. B. B. B. B.

COUNTERSIGNED


CERTIFIED AS TRUE COPY

ADVOCATE

19/8

-23-

ANNEXURE A/3 Cally

- 20 -

11

Tele No. 2462

Sthaniya Mukhyalaya
Station Headquarters
Tenga

107/30/Q

26 Jul/2004

SD-214757
Sanitary Mate HC Sarkar
Stn HQ Tenga

VACATION OF GOVT MD ACCN

1. Ref allotment letter and undertaking given to you.
2. It is directed by Stn Cdl that qr No. P/O/36-D at Tenga Lodge allotted to you on temp basis be vacated by 31 Aug 2004 positively so that the same could be allotted to other Consv staff of this HQ who are presently on waiting list. You are liable to be evicted, if the quarter is not vacated by 31 Aug 2004.
3. No request/representation will be accepted.

Sd/-
(PUS Palia)
Col
Adm Comdt.

CERTIFIED AS TRUE COPY

Shankar Lal
ADVOCATE
19/8

Tele No : 2462

23(a) 42
Sthaniva Mukhyalaya
Station Headquarters
Tenga

107/30/Q

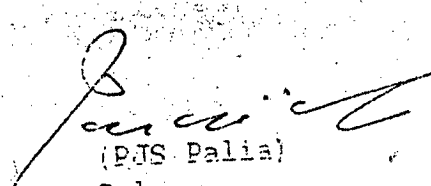
26 Jul 2004

SD-214757

Sanitary Mate HC Sarkar
Stn HQ Tenga

VACATION OF GOVT MD ACCN

1. Ref allotment letter and undertaking given by you.
2. It is directed by Stn Cdr that qr No P/O/36-D at Tenga Lodge allotted to you on temp basis be vacated by 31 Aug 2004 positively so that the same could be allotted to other Consv Staff of this HQ who are presently on waiting list. You are liable to be evicted, if the quarter is not vacated by 31 Aug 2004.
3. No request/representation will be accepted.


(PJS Palia)

Col

Adm Comdt

CERTIFIED AS TRUE COPY

Col
A
Jinkeyash
ADVOCATE
19/8

24 ✓
u3
Annexure-A/

Tele No. 2462

Sthaniya Mukhyalaya
Station Headquarters
Tenga

107/30/Q

26 Jul/2004

SD-214844
Consv Sfwl Dinesh Rajak
Stn HQ Tenga

VACATION OF GOVT MD ACCN

1. Ref allotment letter and undertaking given to you.
2. It is directed by Stn Cdl that qr No. P/O/19-H at Chindit Top/Tenga, Ledge/Rupa East allotted to you on temp basis be vacated by 31 Aug 2004 positively so that the same could be allotted to other Consv staff of this HQ who are presently on waiting list. You are liable to be evicted, if the quarter is not vacated by 31 Aug 2004.
3. No request/representation will be accepted.

Sd/-
(PUS Palia)
Col
Adm Comdt.

CERTIFIED AS TRUE COPY

Ghureyash
ADVOCATE
19/8

Tele No : 2462

Sthaniya Mukhyalaya
Station Headquarters
Tenga

107/30/Q

26 Jul 2004

SD-214844

Consv Sfwl Dinesh Rajak

Stn HQ Tenga

VACATION OF GOVT MD ACCN

1. Ref allotment letter and undertaking given by you.
2. It is directed by Stn Cdr that qd No P/O/19-H at Chindit Top/Tenga Ledge/Rupa East allotted to you on temp basis be vacated by 31 Aug 2004 positively so that the same could be allotted to other Consv Staff of this HQ who are presently on waiting list. You are liable to be evicted, if the quarter is not vacated by 31 Aug 2004.
3. No request/representation will be accepted.

(PJS Palia)

Col

Adm Comdt

DECLARIED AS TRUE COPY

Handwritten signature
25/8/04

Tele No. 2462

25- 25
Sthaniya Mukhyalaya
Station Headquarters
Tenga

107/30/Q

26 Jul/2004

SD-214674
Consv Sfwl N Mishra
Stn HQ Tenga

VACATION OF GOVT MD ACCN

1. Ref allotment letter and undertaking given to you.
2. It is directed by Stn Cdl that qr No. P/O/8-L at Chindit Top allotted to you on temp basis be vacated by 31 Aug 2004 positively so that the same could be allotted to other Consv staff of this HQ who are presently on waiting list. You are liable to be evicted, if the quarter is not vacated by 31 Aug 2004.
3. No request/representation will be accepted.

Sd/-
(PJS Palia)
Col
Adm Comdt.

CERTIFIED AS TRUE COPY

Jharkhand
ADVOCATE
19/8

Tele No : 2462

Sthaniya Mukhyalaya
Station Headquarters
Tenda

107/30/Q

SD-214674
Consv Sfwl N Mishra
Stn HQ Tenga

26 Jul 2004

VACATION OF GOVT MD ACCN

1. Ref allotment letter and undertaking given by you.
2. It is directed by Srn Cdr that gr No P/O/R-I. at Thindia Top allotted to you on temp basis be vacated by 31 Aug 2004 positively so that the same could be allotted to other Consv Staff of this HQ who are presently on waiting list. You are liable to be evicted, if the quarter is not vacated by 31 Aug 2004.
3. No request/representation will be accepted.

Jasvir Singh
(PJS Dalia)
Col
Adm Comdt

Jasvir Singh
17/8

Tele No. 2462

Sthaniya Mukhyalaya
Station Headquarters
Tenga

107/30/Q

04 Aug/2004

SD-214757
Sanitary Mate Ak Das
Stn HQ Tenga

VACATION OF GOVT MD ACCN

1. Ref allotment letter and undertaking given to you.
2. It is directed by Stn Cdl that qr No. P/O/15-H at Chindit Top allotted to you on temp basis be vacated by 31 Aug 2004 positively so that the same could be allotted to other Consv staff of this HQ who are presently on waiting list. You are liable to be evicted, if the quarter is not vacated by 31 Aug 2004.
3. No request/representation will be accepted.

Sd/-
(PJS Palia)
Col
Adm Comdt.

CERTIFIED AS TRUE COPY

Shankar Singh
ADVOCATE
10/8

File No : 2462

26(a)

SLhaniya Mukhyalaya
Station Headquarters
Tenga

107/30/2

26 Jul 2004

04 Aug

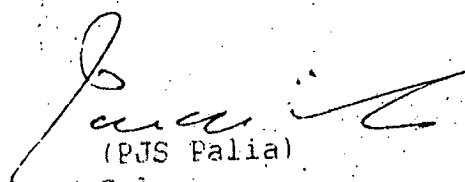
SN-214867

Sanitary Mate, AK Das

Stn HO Tenga

VACATION OF GOVT MD ACCN

1. Ref allotment letter and undertaking given by you.
2. It is directed by Stn Cdr that qr No P/O/15-H at Chindir Top allotted to you on temp basis be vacated by 31 Aug 2004 positively so that the same could be allotted to other Consv Staff of this HO who are presently on waiting list. You are liable to be evicted, if the quarter is not vacated by 31 Aug 2004.
3. No request/representation will be accepted.


(PJS Palia)
Col
Adm Comdr

CERTIFIED AS TRUE COPY

Murkayoshi
ADVOCATE
19/8

27 ✓ 49
Station Headquarters
Tenga

107/30/Q

09 Aug/2004

SD-214758
Sanitary Mate Lal Dev Rai
Stn HQ Tenga

VACATION OF GOVT MD ACCN

1. Ref allotment letter and undertaking given to you.
2. It is directed by Stn Cdl that qr No. P/O/11-H at Rupa West allotted to you on temp basis be vacated by 31 Aug 2004 positively so that the same could be allotted to other Consv staff of this HQ who are presently on waiting list. You are liable to be evicted, if the quarter is not vacated by 31 Aug 2004.
3. No request/representation will be accepted.

Sd/-
(PJS Palia)
Col
Adm Comdt.

CERTIFIED AS TRUE COPY

Jhankar
19/8

Tele No : 2462

50
27 (2) -
Sihaniya Mukhyalaya
Station Headquarters
Tenga

107/30/Q

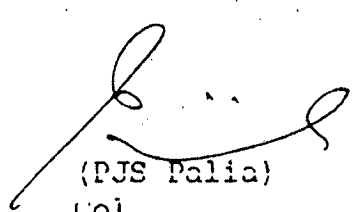
09 Aug 2004

SD-214756

Sanitary Mate Lal Dev Rai
Stn HQ Tenga

VACATION OF GOVT MD ACCN

1. Ref allotment letter and undertaking given by you.
2. It is directed by Stn Cdr that qr No P/O/11-H at Rupa West allotted to you on temp basis be vacated by 31 Aug 2004 positively so that the same could be allotted to other Conserv Staff of this HQ who are presently on waiting list. You are liable to be evicted, if the quarter is not vacated by 31 Aug 2004.
3. No request/representation will be accepted.


(PJS Palia)
Col
Adm Comdt

CERTIFIED AS TRUE COPY

Thurkayshie
ADVOCATE
19/8

28
51
Tele No. 2462

Sthaniya Mukhyalaya
Station Headquarters
Tenga

107/30/Q

09 Aug/2004

SD-214875
Consv. Sfwl Deven Mahanta
Stn HQ Tenga

VACATION OF GOVT MD ACCN

1. Ref allotment letter and undertaking given to you.
2. It is directed by Stn Cdl that qr No. P/O/15-H at Rupa West allotted to you on temp basis be vacated by 31 Aug 2004 positively so that the same could be allotted to other Consv staff of this HQ who are presently on waiting list. You are liable to be evicted, if the quarter is not vacated by 31 Aug 2004.
3. No request/representation will be accepted.

Sd/-
(PJS Palia)
Col
Adm Comdt.

CERTIFIED AS TRUE COPY
Jhulayesh
ADVOCATE
19/8

Station Headquarters
Tenga

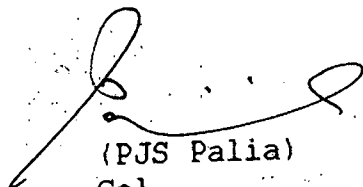
10/130/Q

09 Aug 2004

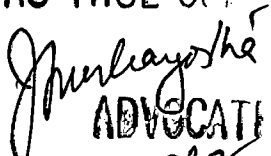
SD-214875
Consrv Sfwl Devan Mahanta
Stn HQ Tenga

VACATION OF GOVT MD ACCN

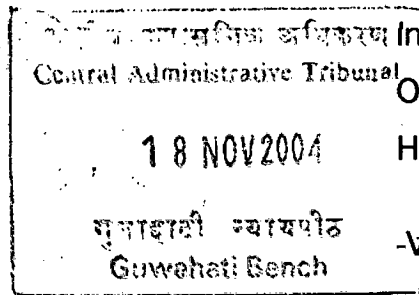
1. Ref allotment letter and undertaking given by you.
2. It is directed by Stn Cdr that qr No P/O/15-H Rupa West allotted to you on temp basis be vacated by 31 Aug 2004 positively so that the same could be allotted to other Consrv Staff of this HQ who are presently on waiting list. You are liable to be evicted, if the quarter is not vacated by 31 Aug 2004.
3. No request/representation will be accepted.


(PJS Palia)
Col
Adm Comdt

CERTIFIED AS TRUE COPY


ADVOCATE
19/8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI



In the matter of :-

O.A. No. 185 of 2004

Haren Ch. Sarkar

... Applicant

-Versus-

Union of India & Ors.

... Respondents

WRITTEN STATEMENT FOR AND ON BEHALF OF
RESPONDENTS NOS. 1,2,3 & 4.

Union of India & Ors.
- Respondents
through:-
Group Director of Govt. Standing Couns.
C. A. T.
18/11/04
Guwahati

I, Col. P.J.S. Palia, Administrative Commandant, Station Headquarters, Tenga, do hereby solemnly affirm and say as follows :-

1. That I am the Administrative Commandant, Station Headquarters, Tenga and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statement may be deemed to have been denied. I am authorised to file the written statement on behalf of all the respondents.

2. That the respondents have no comments to the statements made in paragraph 4.1 to 4.6 of the application.

3. (a) That with regard to the statements made in paragraph 4.7 of the application, the respondents beg to state that as per Paragraph 61.4.2 of Scales of Accommodation for Defence Services 1983, married accommodation for civilians paid out of Defence Services Estimates will be provided at the Stations given at Appendix 'F' of Scales of Accn in which Tenga Station is not included. Therefore, there is no Government Accommodation at this Station for defence civilians. Defence Civilians are not entitled any Government Accommodation and this fact was well known to the Conservancy Staff at the time of their enrollment. However, a total of 13 family quarters were allotted to Defence Civilians of this Headquarters, as a welfare measure, since the

state of accommodation at this station was quite healthy at that time as this Sector was counted in Field Area and demand from defence personnel was less. The Sector was later converted from Field Area to Modified Field Area and as such demand for married accommodation increased over a period of time. We are also catering for married accommodation for separated families whose husbands are serving in High Altitude Area on the Chinese Border. Moreover, 10% married accommodation remains unoccupied being under routine maintenance by the Military Engineering Service. This puts a great pressure on the state of accommodation and as such no additional accommodation is available for allotment to the Defence Civilians. Due to requirement of other conservancy staff for accommodation, this Headquarters was compelled to ask the four Conservancy Staff who are occupying accommodation for longest periods to vacate the government accommodation so that the same could be allotted to other persons who are on the waiting list as per Seniority Register maintained at this Headquarters, *on purely temporary basis.*

(b) It is reiterated here that due to additional troops being inducted in this Station, even the existing conservancy staff who are occupying Government Accommodation will be asked to vacate in future for requirement of army personnel. The combatants are required to move on tenure basis alternatively in peace and field locations. The tenure in one station ranges from two to three years and a combatant due to the peculiar service conditions, hardly gets a chance to stay with his family. Due to these peculiar circumstances, the provisions laying down the Scales of Accommodation for the combatants have been incorporated in "Scales of Accommodation for Defence Services 1983". The allegation that accommodation is allotted in an arbitrary and whimsical manner is totally baseless. Earlier Government Accommodation was allotted to defence civilians based on compassionate grounds on case to case basis and as per Seniority Register maintained at this Headquarters, *even though no government accommodation was entitled to them* Standing Operating Procedure (SOP) has also been formulated for allotment of Government Accommodation to defence civilians although they are not entitled any Government Accommodation at this Station. Dates

From which the individuals are occupying Government Married Accommodation are given in the table below. It is seen that these individuals have been occupying government accommodation continuously for last 8-9 years. There has been no frequent shifting of petitioners involved. Hence, it is incorrect to say that accommodation has been allotted/vacated on pick and chose basis and frequently.

Ser No	Name of Individual	Date of Occupation
(i)	Sanitary Mate Lal Dev Rai	16 Oct 1995
(ii)	Sanitary Mate HC Sarkar	05 Dec 1995
(iii)	Consv Safaiwala Dinesh Rajak	17 Jul 1996
(iv)	Consv Safiawala Deven Mahanta	14 Nov 1996

4. That with regard to the statements made in paragraph 4.8 of the application, the respondents beg to state that the contention that other Safaiwalas do not require Government Accommodation is not correct. Large No of Safaiwalas want to stay in Government Accommodation. The petitioners are not the only non-locals, there are other non-locals also who want Government Accommodation and have submitted applications. Seniority Register is maintained for the purpose at Station Headquarters.

5. That with regard to the statements made in paragraph 4.9 of the application, the respondents beg to reiterate that there is no Government Accommodation for defence civilians at Tenga Station. Paragraph 3 (a) above may kindly be perused.

6. That with regard to the statements made in paragraph 4.10 of the application, the respondents beg to state that till Sept 2003 most of the accommodation were occupied and only about 10% were unoccupied due to routine maintenance. In Sep 2003, maximum troops moved out for Counter Insurgency Operations and Operation RHINO and slowly some of the families staying alone also moved to their permanent homes. Present status of married accommodation is temporary in nature till troops return from Counter Insurgency Operations in Assam. In fact some troops are already in

the process of returning from Counter Insurgency Operations. More over, many new units are also being inducted in the sector.

7. That with regard to the statements made in paragraph 4.11 of the application, the respondents beg to reiterate the statement made in paragraph 3 of this written statement.

8. (a) That with regard to the statements made in paragraph 4.12 of the application, the respondents beg to state that Tenga being a remote locality no bank was willing to open branch here. State Bank of India, Tenga Valley Branch was opened at the instance of Army Authorities and established in the year 1975 to cater for the Banking needs of Army Units and personnel of Tenga Station. The Branch was established with complete infrastructural support from the Army. Due to non availability of married accommodation at Tenga, 18 government married accommodation were given to State Bank Staff in early seventies. Later due to moving in of more families and induction of additional troops in the sector, Station Headquarters Tenga took up the case with higher HQ for termination of allotment of residential accommodation to staff of State Bank of India, Tenga. State Bank of India has also been asked to create their own infrastructure and vacate Army Accommodation. They have confirmed that they are in the process of acquiring land for development of their own infrastructure.

(b) Also Kendriya Vidyalaya was required in the Sation for education of children in this remote area, hence accommodation was allotted to them. Kendriya Vidyalaya is in the process of acquiring land for building their own accommodation for housing of teachers. Vacation of Government Accommodation by petitioners is in any case not related to this as they have been asked to vacate Government Accommodation as there are other defence civilians in the waiting list for Government Accommodation,

9. That with regard to the statements made in Paragraph 4.13 of the application, the respondents beg to state that the date of allotment of houses to applicant No 2 and 5 as given in the chart are on change of Government Accommodation but dates from which applicant No 2 and 5 are staying in Government Married Accommodation are as given at Paragraph 3 (b) above.

10. That with regard to the statements made in paragraph 4.14 of the application, the respondents beg to state that the contention that the Respondents forcibly took certificate of under taking from the applicants is not correct. Under Taking Certificates were signed by applicants in presence of witnesses. The same are attached with OA No 185/2004/1430 dated 10th Sept/2004. Since there is no Government Married

Accommodation existing at the Station for defence civilians, therefore, it was mandatory for taking an under taking so that accommodation could be vacated at a short notice as and when required by the entitled Army Combatants .

11. That with regard to the statements made in paragraph 4.15 of the application, the respondents beg to state that the contention that the Conservancy Staff are allotted Government Accommodation based on their seniority and the juniors do not have a better right is baseless. In the matter of allotment of Government Accommodation there is no seniority of service being followed. All are given equal chance for Government Accommodation as per Seniority Register maintained at Station Headquarters. There is no question of senior enjoying better right etc. In any case Government Accommodation is allotted to defence civilians only as a welfare measure as they are not entitled Government Accommodation.

12. That with regard to the statements made in paragraph 4.16 of the application, the respondents beg to state that the contention that Respondents are not following any method or any proper guidelines or principles in the matter of allotment of Government Accommodation to the defence civilian staff is wrong, as Government Married Accommodation is allotted to defence civilians as per the Seniority Register and Standing Operating Procedure (SOP). Also the allegation that the applicants are being discriminated against is wrong, as certain Government married accommodation have been allotted to staff of State Bank of India and Kendriya Vidyalaya School due to needs of Army. Staff of State Bank of India and Kendriya Vidyalaya School have been asked to vacate the Government Accommodation and make their own arrangements. Even petitioners are not entitled to any Government Accommodation yet they have been allotted 13 Government Married quarters impinging upon the right of Army Combatants. As a welfare measure other staff too has a right for allotment of available accommodation in rotation which can only be provided once other defence civilians occupying Government Accommodation since long, vacate. In this connection Paragraphs 3 & 8 above may kindly be perused.

13. That with regard to the statements made in paragraph 4.17 of the application, the respondents beg to state that the contention that plight of Conservancy Staff of the Army is worse than that of other staff in the station is baseless. As per Para 61.4.2 of Scales of Accommodation for Defence Services 1983, married accommodation for civilians paid out of Defence Services Estimates will be provided at the Stations given at Appendix 'F' of Scales of Accn in which Tenga Station is not included. Therefore, there is no Government Accommodation at this Station for defence civilians. Defence Civilians are not entitled any Government Accommodation and this fact was well known to them at the time of enrollment of Conservancy Staff. However, a total of 13 Government Married Accommodation were allotted to Defence Civilians employees of this Headquarters as a welfare measure, despite not being entitled. It is reiterated once again that due to additional troops being inducted in this Station, these 13 Government quarters are going to be vacated in future for requirement of army personnel. However, present vacation orders are to give chance to other waitlisted conservancy staff who are their colleagues at this Headquarters to avail of available married accommodation in rotation.

14. That with regard to the statements made in paragraph 4.18 of the application, the respondents beg to state that the contention that the Respondents by their highhandedness and arbitrary behaviour have been violating the fundamental right of the applicants has no merit, as despite not being authorised, they have been allotted Government Accommodation as a welfare measure. The applicants have been given fair and just treatment as the Government married accommodation are allotted to defence civilians despite being non-entitled personnel for Government Accommodation and these vacation orders have been issued to give a chance to their colleagues in the conservancy staff who are in the waiting list to avail of Government Married Accommodation. Para 13 above may be kindly perused.

15. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

VERIFICATION

I, Col. P.J.S. Palia, presently working as Administrative Commandant, Station Headquarters, Tenga being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1, 2 + 7 of the application are true to my knowledge and belief, these made in paragraphs 3 - 6 + 8 - 14 being matter of record are true to my information derived there from and those made in the rest are humble submissions before the Hon'ble Tribunal. I have not suppressed any material facts.

AND I sign this verification on this the 9 th day of Nov. 04


DEPONENT