

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**JABALPUR BENCH,**  
**JABALPUR**

**O.A. No. 859 of 2005**

Jabalpur, this the 14<sup>th</sup> day of February, 2006

Hon'ble Shri Justice R.K. Batta, Vice Chairman

S.K. Jatale, son of Shri P. Jatale,  
Aged about 49 years, Occupation  
removed employee from the post of  
Asstt. Foreman, (T) Ordnance Factory,  
Itarsi, r/o. Qr. No. 3093/III, Ordnance  
Factory Estate, Itarsi, M.P.

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Applicant

(By Advocate – None)

**VERSUS**

1. The Union of India, through  
its Secretary, Ministry of Defence,  
New Delhi.
2. Director General/Chairman,  
Ministry of Defence, Ordnance  
Factory Board, 10-A, Shaheed K.  
Bose Road, Kolkatta.
3. The General Manager,  
Ordnance Factory, Itarsi.

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Respondents

(By Advocate – Ms. Tulika Sharma on behalf of Shri P. Shankaran)

**ORDER (Oral)**

✓ The applicant seeks direction for retention of Government quarter No. 3093/III at Ordnance Factory Estate, Itarsi. The applicant had sought interim relief which was rejected vide order dated 27.9.2005 and the said order states that there is no provision in the rule to grant further permission to retain the government accommodation and since the rules do not permit, the application for interim stay is rejected.

2. The matter thereafter came up before the Tribunal on a number of occasions and almost on all occasions no one appeared for the applicant.

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The said dates on which no one appeared for the applicant are 7.11.2005, 21.12.2005, 23.12.2005, 16.1.2006, 23.1.2006 and today also no one has appeared for the applicant. It appears that the applicant has lost interest in the application on account of rejection of interim relief.

3. Be that as it may, even on merits I do not find any case has been made out by the applicant for grant of relief.

4. The learned counsel for the respondents submitted before me that the applicant was found guilty of the charges and was removed from service vide order dated 28.7.2004. He filed an appeal dated 1.9.2005 which <sup>is</sup> ~~was~~ pending. She also drew my attention to SRO 149 dated 23<sup>rd</sup> September, 2004 and table annexed with the same which provides for permissible period of retention of residence in a number of contingencies including dismissal or removal from service, termination of service etc. The permissible period of retention of residence as per table to SRO 149 is one month. The applicant was ordered to be removed after departmental enquiry way back by order dated 28.7.2004. The permissible period of retention of residence was therefore to be calculated from the date of removal from service. Since then almost one and a half years have elapsed and the fact that the appeal filed on the order of dismissal is pending, does not make any difference whatsoever, as the permissible limit for retention of residence after dismissal or removal from service or termination of service is one month. Once a person is dismissed or removed from service, he <sup>does</sup> ~~cannot~~ have any substantive right to retain the residence which was granted to him by virtue of employment.

5. In view of the above, on merits I do not find any case whatsoever for issuing directions as sought by the applicant and the application is hereby summarily rejected with no order as to costs.

  
(R.K. Batta)  
Vice Chairman

पत्रांकन सं. ३२/७५०.....जबलपुर, दि.....  
 प्रकाशन सं. ३२/७५०.....जबलपुर, दि.....  
 पत्रिका का नाम.....  
 (१) सचिव, उच्च न्यायालय, जबलपुर  
 (२) सचिव, उच्च न्यायालय, जबलपुर  
 (३) आवेदक.....  
 (४) प्रत्यक्षी श्री/श्रीमती/श्री.....  
 न्यायालय, जबलपुर, उच्च न्यायालय, जबलपुर  
 सचिव, उच्च न्यायालय, जबलपुर  
 सचिव, उच्च न्यायालय, जबलपुर  
 सचिव, उच्च न्यायालय, जबलपुर

M. K. Singh  
 P. Shankar  
 D. B.

16.2.06  
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