

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. NO. 395/2001

Ram Murty Singh, S/o. Shri  
Gajraj Singh, Aged about 42  
years, R/o. B/2, Kendriya Vidyalaya  
No. 2. Compound, Maharajpur,  
Gwalior (M.P.).

... Applicant

V e r s u s

1. Kendriya Vidyalaya Prabandh Samiti,  
Through its President,  
A.O.C. Maharajpur, Gwalior.
2. The Principal,  
Kendriya Vidyalaya No. 2,  
Maharajpur, Gwalior (M.P.).
3. Union of India, Through  
the Secretary, Ministry of Human  
Resources Development, New Delhi.
4. The Commissioner, Kendriya  
Vidyalaya Sangathan, New Delhi.
5. The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Bhopal (M.P.).

... Respondents

Counsel :

Dr. R.K. Gupta for the applicant.  
Shri M.K. Verma for the respondents.

Coram :

Hon'ble Shri Justice N.W. Singh - Vice Chairman.  
Hon'ble Shri R.K. Upadhyaya - Member (Admnv.).

O R D E R (Oral)

(Passed on this the 11th day of March 2003)

The applicant by this Original Application has made  
a request to quash the order dated 28/11/2000 (Annexure A/1),  
order dated 11/05/2001 (Annexure A/2) and Memorandum dated  
22/05/2001 (Annexure A/3).

2. The case of the applicant is that he is working as

a Primary School Teacher in Kendriya Vidyalaya No. 2 at Air Force Station, Maharajpur, Gwalior. Initially the applicant was allotted a staff quarter No. B/7 vide order dated 10/09/1996 (Annexure A/4), but subsequently he was ordered to shift to Quarter No. B/2 vide order dated 15/05/1998 (Annexure A/5). Vide order dated 11th May 2001 (Annexure A/2), the allotment of quarter No. B/2 has been cancelled by the Principal under the provisions of **Rule 17** of Allotment of Resid~~en~~<sup>ent</sup> Rules, 1988 of Kendriya Vidyalaya Sangathan and by memorandum dated 22/05/2001 (Annexure A/3) the Principal had ordered that the applicant will be charged damage rent.

2.1. The impugned order was passed by the Principal because there were complaints against the behaviour of the applicant and the respondents were of the view that his continuance in the official residence provided to him was not in the best interest of the Organisation.

2.2. It is stated by the learned counsel of the applicant that the Committee appointed by respondent No. 2 has not categorically stated that the applicant alone is the cause of all troubles. He invited attention to Annexure A/12 being a letter by Shri A.K. Jain allottee of quarter No. B/4 and Annexure A/13 being a letter issued by D. Subhashini allottee of B/1 quarter in the same premises. Both these residents who are neighbours of the applicant ~~have~~ stated that the behaviour of Shri Ram Murty Singh, the applicant is friendly and helpful and they have no complaints against him. It was therefore suggested that the impugned orders Annexure A/1, Annexure A/2 and Annexure A/3 ~~be~~ quashed.

3. The respondents counsel invited attention to the reply filed in which it has been stated that the applicant has

*Amr Singh*

been of quarrel-some nature and his past record indicates that he need not be retained in the Government accommodation to maintain harmony and peace in the official residence. According to him the applicant always can claim house rent allowance if he stays in a private residential house outside the official residence. The learned counsel invited attention to the provisions of **Rule 17** of Allotment of Residence Rules, 1988 of Kendriya Vidyalaya Sangathan and stated that the continuance of the applicant in the premises was prejudicial to the maintenance of harmonious relations with his neighbours. Therefore the orders passed by the respondents are justified.

4. After hearing the learned counsel of both the parties and after perusal of the material made available on record and without going into the merits of the claim of the applicant, we are of the view that the whole issue requires to be reconsidered by the respondents. The neighbours of the applicant have submitted certificates that the behaviour of the applicant is helpful and they have no complaints against him. Even the respondents in the reply had admitted that :

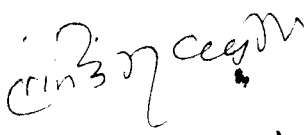
"It is true that after issuance of cancellation order dated 28/11/2000 no quarrel has been reported involving Mr. R.M. Singh and his family. But it seems to be their condition behaviour because of the pressure of the cancellation order dated 28/11/2000 and the pendency of litigation before this Hon'ble Court."

A Government servant has to maintain discipline and he is bound by Conduct Rules and other Instructions of the Government which related <sup>to</sup> his conduct not only in the office, but even outside the office. If the applicant has improved in his behaviour, it certainly calls for a review of the whole situation. Therefore we direct the applicant to make a fresh representation for reconsideration of the impugned order dated 11/05/2001 (Annexure A/2) and Memorandum dated 22/05/2001 (Annexure A/3). Since the applicant has already

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shifted to the accommodation allotted to him at quarter No. B/2, there is no need to reconsider the order dated 28/11/2000 (Annexure A/1). He may also point out that his relations with his neighbours are no longer cause of any worry which earlier attracted invoking of provisions of **Rule 17** of Allotment of Residence Rules, 1988 of Kendriya Vidyalaya Sangathan. In case the respondents are satisfied with the conduct of the applicant, considering his representation they may pass a fresh, reasoned and speaking order within a period of two months from the date of receipt of a copy of this order alongwith the representation. Pending disposal of such a representation, no adverse action may be taken against the applicant. The respondents will be free to take action in accordance with the rules if they find that the applicant commits any breach of rules in future.

5. In view of our direction in the preceding paragraph this Original Application is disposed of, but without any order as to cost.

  
(R.K. UPADHYAYA)  
MEMBER (A)

  
(N.N. SINGH)  
VICE CHAIRMAN

पृष्ठंकल सं ओ/व्या.....जबलपुर, दि.....  
य निर्दिष्ट जगहें लिखिए.....


(1) मसौदा का प्रारंभिक प्रमाणित प्रतिलिपि, जबलपुर

(2) .....के काउंसल

(3) .....के काउंसल

(4) .....के काउंसल

सूचना एवं आशयका का प्रकाशित होना

  
उप-निर्देश 20/8/03

DR. R K Gupta order  
M K Verma order

Issued  
on 21.3.03  
BS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL , JABALPUR

O.A. No. 395 /2001.

APPLICANT : Ram Murty Singh

Vs.

RESPONDENTS : Govt. of India & others.

I N D E X

Sl. No.	Particulars	Annexures	Pages
1.	Application	-----	1 to 7
2.	Order dated 28.11.2000	Annexure A/1	8 to 8
3.	Order dated 11.05.2001	Annexure A/2	9 to 11
4.	Memorandum dated 22.05.01	Annexure A/3	12 to 12
5.	Letter of allotment dated 10.04.1996	Annexure A/4	13 to 14
6.	Office order dated 15.05.98	Annexure A/5	15 to 17
7.	Transfer order dated 28.11.2000	Annexure A/6	18 to 18
8.	Order dated 12.04.2001	Annexure A/7	19 to 21
9.	Report of Committee	Annexure A/8	22 to 24
10.	Report of Committee dated 13.01.2000	Annexure A/9	25 to 25
11.	Representation dated 23.04.2001	Annexure A/10	26 to 29
12.	VAKALATNAMA	-----	30 to 30

JABALPUR  
JUNE 02.2001

  
COUNSEL FOR APPLICANT

DR. R. K. GUPTA  
M.A., LL.M., Ph.D.  
ADVOCATE  
M. P. HIGH COURT

Presented on... 4.6.01  
by Sbr... R. K. Gupta  
Petitioner/ Advocate/ Respondent  
Time... 10:35  
Receptionist 2

