

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.325/2005.

Jaipur, this the 21st day of October, 2005.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.

Guman Singh
S/o Shri Sultan Singh
Aged about 52 years,
R/o Plot No.101, Type-II,
Sector-7, Vidyadhar Nagar,
Jaipur.

... Applicant.

By Advocate : Shri P. N. Jatti.

Vs.

1. Union of India through
Secretary
Ministry of Urban Development and Poverty
Alleviation, govt. of India,
Director of Estates (policy) III Cell,
North Block, New Delhi.
2. Directorate of Estate,
Estate Manager, Statue Circle,
C.P.W.D., Jaipur.
3. Superintending Engineering,
C.P.W.D. Sector-10,
Vidyadhar Nagar,
Jaipur-10.
4. Kuldeep Singh
Peon, S.E. C.P.W.D. Office,
Sector-10, Vidyadhar nagar,
Jaipur.

... Respondents.

By Advocate : Shri Tej Prakash Sharma.

: O R D E R (ORAL) :

The applicant has filed this OA thereby praying for
the following reliefs :-

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"8.1 That on the basis of the application of the applicant the dated 16.12.2004 and 16.3.2005 the respondents be directed to allot Quarter No.86, type-II, Sector-7, Vidyadhar Nagar, Jaipur be allotted to applicant.

8.2 That the Quarter No.86 Type-II Sector-7, Vidyadhar Nagar, Jaipur not be allotted to Mr. Kuldeep Singh, if any allotment order has been issued in favour of Mr. Kuldeep Singh, be quashed and set aside or the respondents be directed to cancel the arbitrary order.

8.3 Any other relief which the Hon'ble Bench deems fit."

2. The facts of the case are that the applicant is presently working in the office of Small Industry Institute, Godown Jaipur, was in occupation of the Quarter No.101, which was allotted to him by the respondents vide order dated 9.6.2003. It is case of the applicant that he applied for change of Quarter No.86, Type-II, Sector-7, Vidyadhar Nagar, Jaipur, vide his application dated 16.12.2004 and 16.3.2005 but the respondents in arbitrary manner allotted the said quarter to Respondent No.4, who according to the applicant, was not eligible for the said quarter. It is on the basis of these facts the applicant has filed this OA thereby praying for the aforesaid reliefs.

3. Notice of this application was given to the respondents. Respondents have filed reply thereby justifying their action. According to the respondents, the allotment was made strictly in accordance with SR

4. The applicant has filed rejoinder thereby reiterating the submissions made in the OA.

5. When the matter was heard by this Tribunal on 7.10.2005 and again on 18.10.2005, attention of the respondents was invited to Sub rule 1 of SR 317-B-15, which stipulates that an officer to whom a residence has been allotted under these rules may apply for a change to another residence of the same type or a residence of the type to which he is eligible under SR-317-B-5, whichever is lower. It was pointed out that the Respondent No.4 was in occupation of Type-I quarter, though he has subsequently become entitled to Type-II quarter, as such, in view of the aforesaid rule, Respondent No.4 was not eligible for change of another residence of Type-II. Thereafter the matter was adjourned from time to time on the request of the respondents. Now, the respondents have moved an MA No.362/2005 thereby annexing a copy of letter dated 17.10.2005 whereby it has been stated that earlier allotment given to Respondent No.4 has now been cancelled. In view of this subsequent development, the present OA does not survive. It is expected that the Respondent No.3 shall proceed with the allotment of the said quarter strictly in accordance with provisions contained in SR-317-B-7 and 317-B-15 of FRSR.

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6. with these observations, the OA is disposed of with
no order as to costs.



(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./