

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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**ORDERS OF THE BENCH**

**Date of Order: 22.03.2012**

OA No. 182/2011

Mr. Vinod Goyal, proxy counsel for  
Mr. Virendra Lodha, counsel for applicant.  
Mr. Mukesh Agarwal, counsel for respondents.

At the request of learned proxy counsel for Mr. Virendra  
Lodha, counsel for applicant, put up the matter on  
27.03.2012 for hearing.

*K.S. Rathore*  
(JUSTICE K.S. RATHORE)  
MEMBER (J)

Kumawat

27/03/2012

OA No. 182/2011

Mr. Vinod Goyal, proxy counsel for  
Mr. Virendra Lodha, counsel for applicant.  
Mr. Mukesh Agarwal, counsel for respondents.

Heard.

O.A. is disposed of by a separate  
order on the separate-sheets for the  
reasons recorded therein.

*K.S. Rathore*  
(Justice K.S. Rathore)  
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

Jaipur, this the 27<sup>th</sup> day of March, 2012

Original Application No.182/2011

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDICIAL)

Mool Chand Rathi  
s/o Shri Jodha Ram,  
r/o III/57, A.G.Colony,  
Bajaj Nagar, Jaipur  
At present posted under transfer as  
Sr. Accountant to work as Divisional  
Accountant in the office of Executive Engineer,  
PWD Dn. Mangrol, Distt. Baran on transfer  
on the way of deputation.

.. Applicant

(By Advocate: Shri Vinod Goyal, proxy counsel for Shri Virendra  
Lodha)

Versus

1. Union of India  
through the Principal Accountant General,  
(Civil Audit),  
Janpath, Jaipur
2. Senior Audit Officer (GD-II),  
c/o Office of Principal Accountant General  
(Civil Audit), Rajasthan,  
Janpath, Jaipur
3. Estate Officer  
c/o Office of Principal Accountant General  
(Civil Audit), Rajasthan,  
Janpath, Jaipur

.. Respondents

(By Advocate: Shri Mukesh Agarwal)

ORDER (ORAL)

This is second round of litigation. Earlier the applicant preferred OA No.426/2010 before this Tribunal praying that the respondents be directed to allow the applicant to retain Quarter No. III/57 situated at A.G. Colony, Bajaj Nagar, Jaipur on payment of market rent during the period he remains on deputation as Divisional Accountant in the office of Executive Engineer, PWD Division, Mangrol, Distt. Baran. Since representations dated 22.8.2010 and 28.8.2010 filed by the applicants were pending, therefore, this Tribunal vide order dated 31.3.2011 directed the respondents to consider the aforesaid representations of the applicant in accordance with the provisions of law and till disposal of the representations, the applicant was allowed to retain the quarter in question.

2. Pursuant to the direction issued by this Tribunal, both the representations have been considered and the same were rejected and the applicant was directed to vacate the quarter within 15 days. Aggrieved and dis-satisfied with the order dated 28.4.2011 (Ann.A/1), the applicant has preferred this OA.

3. At the time of issuing notices to the respondents, this Tribunal passed ex-parte interim order directing the respondents not to dispossess the applicant from Quarter No. III/57 on the condition that



till the disposal of this OA, the applicant shall pay the rent at market rate.

4. The matter came up for final hearing and the only submission of the applicant is that he is paying rent at market rate and the quarter in question is not needed by other employees, therefore, he may be allowed to retain the same and he is ready to make payment at market rate.

5. The learned counsel appearing for the respondents strongly controverted this submission and in para 4.16 of the reply, categorically stated that presently 65 employees are waiting for their turn to get type-III quarter in the colony in 2011 panel. Moreover, many type-III quarters are under renovation and can only be allotted after the completion of the work of renovation. Therefore, the contention of the applicant that type-III quarters are lying vacant is totally wrong and misconceived. The learned counsel appearing for the respondents referred Allotment of Govt. Residence (IA&AD) Rules, 2006 (Ann.R/4) and, more particularly, clause iv) of Rule 9.2, which reads as under:-

“9. Period for which allotment subsists and the concessional period for further retention.

1. xxx                      xxx                      xxx

2. A residence allotted to an officer may, subject to sub-rule (3) be retained on the happening of any of the events specified in column (1) of the table below for the



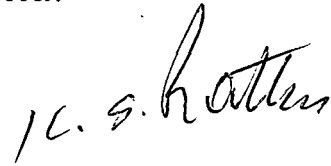
period specified in the corresponding entry in column (2) thereof, provided that the residence is required for the bonafide use of the officer or members of his family:-

Sl.No.	Event	Permissible period for Retention of the residence
i.	xx	xxx
ii.	xx	xxx
iii.	xx	xxx
iv.	Transfer to a place outside the place of posting.	Two months

6. It is also not disputed that the applicant was relieved and joined the new place of posting on 12.7.2010 and retained the quarter in question for about 1 ½ years, which is contrary to rules. As in clause (iv) of Rule 9.2, the applicant could retain the quarter in question for a period of two months only, and in any case not more than a period of six months.

7. Looking to the facts and circumstances of the case and the fact that 65 persons are waiting for their turn to get Type-III quarter in the colony in 2011 panel and the applicant is relieved and joined the post at the new place of posting on 12.7.2010, in such circumstances, even if the applicant is ready to pay the market rate rent, he cannot be allowed to retain the quarter in question as the same is contrary to Allotment of Govt. Accommodation Rules.

7. Consequently, the OA being bereft of merit fails and the same is hereby dismissed with no order as to costs.



(JUSTICE K.S.RATHORE)  
Judl. Member

R/