

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI...5

ORIGINAL APPLICATION NO.

299/94 (O.A. 239/94)

MISC PETITION NO.

~~239/94~~

(IN O.A.)

REVIEW APPLI. NO.

(IN O.A.)

CONT. PETITION NO.

(IN O.A.)

Rupalika Acharya

.....APPLICANT(S)

Vrs.

U.O. & O.S.

.....RESPONDENT(S)

Mr. J.L. Sarkar

.....ADVOCATE T(S)

Mr. H. Chanda

FOR APPL.

.....ADVOCATE(S)

Sr. Case.

FOR RESDPTS.

OFFICE NOTE

DATE

COURT'S ORDER

19-12-94

20.12.94

Mr J.L. Sarkar, learned counsel for the applicant. Mr S. Ali, learned Sr. C.G.S.C. for the respondents on notice.

This application is filed along with one IPO NO. 520538 dated 31.8.94 for Rs. 50/- only and is in form, laid before the Bench for favour of and etc.

The applicant who is working as P.A. to the Superintending Engineer was allotted a room at CTO compound as Ladies Mess on 6.9.1991. On 30.4.1993 she was asked to vacate that accommodation and shift to another one-seat accommodation in the Ladies Mess (Qr.No.III/2) at the CTO compound. The applicant has been representing that she should be allowed to continue to occupy the original quarter. That request was turned down by the respondents and finally by order dated 8.11.94 (Annexure-L) she was once again requested to vacate the Mess accommodation on or before 15.11.1994 and to occupy the alternative accommodation allotted. It was made clear to her that in that order that if she failed to vacate the accommodation on or before 15.11.94 she will be treated as unauthorised occupant and the order of allotment of accommodation to her dated 30.4.1993 will be treated as cancelled and damage charges will be recovered from her. The applicant has in these circumstances filed this application praying that she should be allowed to continue to

Deputy Registrar (J)
Central Administrative Tribunal

Guwahati Bench

19/12

hcc

20.12.94

occupy the present accommodation, that is the Mess accommodation allotted initially in 1991 at normal rent.

We find it difficult to see as how any question of violation of any legal right of the applicant arises in this applicant. ^{Two} circumstances are pointed out by Mr J.L. Sarkar and these are that the applicant was married in 1993. She is now pregnant and it will be inconvenient for her to occupy ~~in~~ the alternative accommodation, that is allotted to her. Secondly, the existing accommodation has been ^{renovated} repaired and it can be used as a quarter and it will be difficult for the applicant to stay in the Ladies Mess where the alternative accommodation is allotted in her present situation. It is also stated that full rent was recovered ^{for} from the existing accommodation and she had made no grievance about it.

Against the aforesaid grounds it is seen from Annexure-K dated 20.9.1994 that the present accommodation of the applicant is urgently required by the respondents for shifting the Creche from the second floor of the Telephone Exchange Building keeping in view the maintenance of strict security of the Telephone Exchange premises as per the guidelines received from time to time from the Security Department and higher authority.

Having regard to the reason that has impelled the respondents to ask the applicant to shift from the present place which is thus stated we are not inclined to admit the application.

[Handwritten signature]

OFFICE NOTE

DATE

COURT ORDER

20.12.94

As it is the applicant has earned time since 30.4.1993 hence it is also difficult to grant her further time which will result in endangering the security measures which are required to be taken in respect of the Telephone Exchange Building.

It appears to us that the proper course for the applicant was to request the authorities concerned to allot her some better accommodation than the one now offered taking into account her difficulties after showing willingness to shift from the existing accommodation. Instead she has taken recourse to filing the application. The applicant who is present informs us that she has applied for allotment of regular quarter and her name is in the waiting list. In the circumstances we feel that the respondents may consider whether having regard to the present circumstances of the applicant she should be allotted another type of quarter as early as possible. However, such a request will be considered by the respondents only after the applicant vacates the present accommodation for which we grant her time till 15.1.1995 and direct the respondents to permit her to occupy the alternative accommodation that has been offered to her subject to consideration of the question of allotting her better quarter and if there be any provision under the rules for allotting a quarter for married persons, that may also be considered.

Subject to the above observations the application is disposed of at the admission stage.


Member


Vice-Chairman

nkm

21/12/94

23.2.95

Copy of order dtd
20.12.94 issued to
all concerned by
Regd. Post vide D.No.
977-980 dtd. 1.3.95.



OFFICE NOTE

DATE

COURT ORDER