

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI...5

ORIGINAL APPLICATION NO. 242/94.

MISC PETITION NO. (IN O.A.)

REVIEW APPLI. NO. (IN O.A.)

CONT. PETITION NO. (IN O.A.)

B. C. Bora.....APPLICANT(S)

Vrs.

U. O. I. & ODS.....RESPONDENT(S)

M. J. L. Sarkar.....ADVOCATE T(S)

Mr M. Chanda.....FOR APPL.

.....ADVOCATE(S)

Cuse.....FOR RESDPTS.

OFFICE NOTE

DATE

COURT'S ORDER

19-12-94

20-12-94

Adjourned to 22-12-94.

This application is filed along with one IPO NO. 882304 dated 19-12-94 on Rs. 50/- only and is in form.

Laid before the Bench for favour of orders.

Vice-Chairman

Member

22.12.94

Mr J.L. Sarkar with Mr M. Chanda for the applicant. Mr S. Ali, learned Sp. C.G.S.C. for the respondents.

From Annexure-3 it is clear that the applicant who has been transferred does not want to vacate the quarter in question till he got clearance from the Doctor as his wife was in advanced stage of pregnancy. The same request was repeated by him in Annexure-9. Mr M. Chanda, learned counsel for the applicant states that according to the instructions received the applicant's wife has had the delivery in the month of November 1994. On that ground, therefore, the applicant cannot be allowed to retain the quarter in question.

Deputy Registrar (D)
Central Administrative Tribunal

Guwahati Bench

19/12

22.12.94

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Mr J.L. Sarkar who also appears for the applicant drew our attention to para 2 of Annexure-3, wherein the applicant had stated that as his child is reading in Assamese Medium in Guwahati and as there is no school of that medium at Shillong that may be considered as a circumstance for his retaining the existing quarter and submits that for the sake of the education of the child the applicant may be allowed to retain the quarter at Guwahati. We do not think that this ground entitles a Government servant to have Government premises at a place where he wants to educate his children. He has to make his own arrangement. Moreover, the academic year as we were told would close by the end of December 1994 and it is for the applicant to plan for the next year for schooling of his child.

Mr Sarkar sought to urge a legal contention relying upon the O.M.s issued by the Government on 15.2.1984 and 27.1.1987 and contended that the applicant would be entitled to retain the accommodation at Guwahati even though he is transferred. First of all, it is not shown that the present accommodation is below the type to which the applicant is entitled to ~~the same~~ on the basis of emoluments as is the requirement of that circular. Secondly, Annexure-8 makes it clear that the said memoranda did not apply to Government accommodation available in the N.E. Region. That is also mentioned in the letter of the Deputy Director of Estates dated 17.6.1994, Annexure-10. The accommodation in question allotted to the applicant is

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OFFICE NOTE

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COURT ORDER

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22.12.94

Government accommodation. The benefit of those memoranda, therefore, cannot be available to the applicant. It is true that the Superintending Surveyor of Works, C.P.W.D., Shillong, had requested the Executive Engineer (Estate Officer), Guwahati Airport, C.P.W.D., twice, i.e. on 20.6.1994 and 1.9.1994 that the applicant may be permitted to retain his present accommodation and his representation may be sympathetically considered. The Executive Engineer informed the said Superintending Surveyor of Works by letter dated 13.9.1994, Annexure-9A, that the request of the applicant to retain the quarter cannot be entertained.

Lastly, the question of extending the benefit under ~~circular~~ under the memoranda even if were to be considered cannot be granted as the request of the applicant had been to permit him to retain the quarter till the need on medical ground was over. As earlier said that ground was owing to advanced stage of pregnancy of his wife. No other ground has been shown. Under the circumstances no prima facie case is disclosed for admitting the application. The applicant was informed as far back as on 8.3.1994 vide Annexure-2 that it will not be possible for the respondents to allow him to retain the quarter after 31.3.1994. The applicant has chosen to approach this Tribunal only on 19.12.1994. He has already had the advantage of retaining the quarter during all this time and as there does not appear to be any good reason to grant him further time, we

direct....



N OFFICE NOTE

DATE

COURT ORDER

22.12.94

24/2/95

Copy of order dtd
22.12.94 issued to
all concerned by Regd.
Post and their counsel
also vide D/NO.1046
to 1051 dtd 7-3-95



direct that the respondents shall not
evict the applicant until 31.12.1994.

The application is summarily
rejected subject to the above direction.

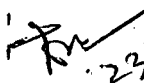
Mr S. Ali, the learned Sr.
C.G.S.C. was present at the hearing on
notice.

Copy of the order to be supplied
to the counsel for the parties.


Vice-Chairman


Member

nkm

 22/12