

30/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 167/96.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet. OA-167/96.....Pg. 1.....to 3.....
2. Judgment/Order dtd. 20/12/96.....Pg. 1.....to 4..... Disposed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....167/96.....Pg. 1.....to 28.....
5. E.P/M.P.....NIL.....Pg.....to.....
6. R.A/C.P.....NIL.....Pg.....to.....
7. W.S.....Pg. 1.....to 13.....
8. Rejoinder.....Pg. 1.....to 6.....
9. Reply.....NIL.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

Additional W.S. Pg-1 to-4

SECTION OFFICER (Judl.)

OA No. 167 196

Sri P. C. Jain Applicant(s)

Union of India Respondent(s)

Mr. A Dasgupta, S. Chatterjee, Advocates for the applicant(s)
Mr. M. Chanda,

Mr. A.K. Choudhury, A.C.S. Advocates for the Respondent(s)

Office Notes Date Courts' Orders

This application is in form and within time C. F. of Rs. 50/- deposited vide IPO/BB No 346712 Dated 17.8.96

Dy. Registrar 19/8/96

Page 26 & 27 is not eligible.
M 19/8/96

20.8.96

Learned counsel Mr A. Dasgupta for the applicant. Learned Addl. C.G.S.C Mr A.K. Choudhury for the respondents.

Heard Mr Dasgupta for admission. Perused the contents of the application and the reliefs sought. Application is admitted. Issue notice on the respondents by registered post. Written statement within six weeks.

List for written statement and further orders on 27.9.96.

The respondents are directed to maintain status-quo as on today pending disposal of this application.

Member

29.8.96

Notice issued to the respts vide D. No. 2739 dt. 23.8.96.

Bon 6-9.96

Notice duly served on respt No. 4, 5.

pg MV 20/8

27.9.96

Learned counsel Mr M. Chanda for the applicant. Learned Addl. C.G.S.C. Mr A.K. Choudhury submitted memo of appearance and also submitted written statement on behalf of respondent Nos. 2 and 5. Copy of the same has been served.

By w/ station - his sub Lumb W.
26/9

27.9.96

on Mr M. Chanda who prays for time to submit rejoinder.

List for rejoinder and further orders on 17.10.96.

[Signature]
Member

nkm
[Signature]
30/9

30-9-96

Memo of appearance 17.10.96
filed by Mr. A.K. Chaudhry, ACSL.

W/S filed by the
Respondents no. 1, 2, 3 & 5.

Mr. A. Dasgupta for the applicant.
Mr. A.K. Choudhury, Addl. C.G.S.C. for
the respondents. *Case ready for hearing.*
List for hearing on 26.11.1996.

[Signature]
Member

trd
[Signature]
17/10

15-10-96

26.11.96

Rejoinder to the W/S
filed by the applicant.

Mr. M. Chanda for the applicant.
Mr. A.K. Choudhury, Addl. C.G.S.C. for the
respondents.

Additional written statement has been
submitted by the respondent Nos. 1, 2, 3 and 5.
Copy of which has been served on the counsel of
the applicant. Mr. Chanda prays for a short
adjournment.

List for hearing on 12.12.1996.

[Signature]
Member

trd
[Signature]
26/11

Pr. comply
order 26.11.96.

12.12.96

Mr. A. Dasgupta for the applicant.
Mr. A.K. Choudhury, Addl. C.G.S.C. for
the respondents.

Counsel of both sides have completed
their submissions. Hearing concluded.
Judgement reserved.

[Signature]
Member

27-11-96
Add. W/S filed by the
Respondents R. No. 1, 2, 3 & 5.

trd

[Signature]
12/12

(3)

OFFICE NOTE

DATE

ORDER

Additional Rejoinder to the Addl. w/s filed by Respondant No-1 at page-53 to 56.

20.12.96

Learned counsel Mr M. Chanda for the applicant. Learned Addl. C.G.S.C. Mr. A.K. Choudhury for the respondents. Judgment pronounced. The application is disposed of in terms of the directions in the order. No order as to costs.

Status quo order shall stand vacated on disposal of the fresh representation to be submitted by the applicant as indicated in the order.

Go
Member

W.H.
11.12.96

8/1/97

Copy of the judgment issued to the parties vide D.N. 137 to 141.

nkm

Dtd. 7.1.97. and

Wh 117 Dtd. 6-1-97.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

O.A. NO. 167 of 1996.
T.A. NO.

DATE OF DECISION 20.12.1996

Sri Padam Chand Jain

(PETITIONER(S))

S/Shri A.Dasgupta & M.Chanda

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

Sri A.K.Choudhury, Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ? *yes*
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ? *no*
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.

Sanglyine
20/12/96

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.167 of 1996.

Date of Order : This the 20th Day of December, 1996.

Shri G.L.Sanglyine, Administrative Member.

Sri Padam Chand Jain,
son of late Mehar Chand Jain,
resident of Jaswant Road, Panbazar,
Guwahati-1. . . . Applicant

By Advocate Shri A.Dasgupta.

- Versus -

1. Superintending Engineer,
Assam Central Circle, No.1,
Central Public Works Department,
Bamunimaidan, Guwahati-21.
2. Director of Estate,
Office of the Directorate of Estate,
Nirman Bhawan, New Delhi-11.
3. Union of India,
represented by the Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi-11.
4. Sri A.K.Das Choudhury,
Assistant Surveyor of Works(Electrical)
C.P.W.D., Bamunimaidan,
Guwahati-21.
5. Chief Engineer (NEZ)
C.P.W.D., Shillong. . . . Respondents.

By Advocate Shri A.K.Choudhury, Addl.C.G.S.C.

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER

The applicant joined service in the Central Public Works Department on 20.9.1962. He was transferred to Guwahati and joined on 26.2.1996. He draws a basic pay of Rs.3600/- as on that date. He is ordinarily entitled to a Type V Quarter. The C.P.W.D has no vacant Type V Quarter in Guwahati. The applicant applied for allotment of Type IV Quarter on 17.7.1996. At that time there was no vacant Type IV Quarter. A C.P.W.D Quarter No.Type-IV/45

contd...

20.12.96

was vacated by one Shri Gupta on 31.7.1996. Therefore this quarter became vacant. The respondent No.4, Sri A.K.Das Choudhury, Assistant Surveyor of Works (Electrical), C.P.W.D Guwahati was entitled to a Type IV quarter ordinarily and was in the waiting list for allotment of a Type IV quarter. He was allotted the said quarter No.Type-IV/45 on 16.8.1996. The applicant sent representation dated 16.8.1996 to the Chief Engineer (NEZ), C.P.W.D, Shillong seeking his intervention in the alleged illegal allotment of the above mentioned quarter by the Superintending Engineer (Civil), Assam Central Circle, C.P.W.D., Guwahati. On 19.8.1996 he submitted this application before this Tribunal. A status quo order regarding the quarter was issued on 20.8.1996. It transpires now from the rejoinder to the written statement submitted by the applicant that, in fact, Sri A.K.Das Choudhury had refused the allotment of the aforesaid quarter to him on 20.8.1996. Thus the quarter is at present vacant.

2. The contention of the applicant is that though he is entitled to Type V Quarter he is also entitled to Type IV quarter within the purview of S.R. 317-B-7(1) (iii).
According to the applicant the Superintending Engineer has to exercise the discretion vested on him under this rule judiciously by considering the date of entry in the service by each claimant for Type IV Quarters including the applicant. If this was done the applicant contends that he is the person who is entitled to the quarter Type IV/45 on the basis of his seniority. The respondents, on the other hand, have submitted that the applicant is entitled to a Type V quarter only and he is not entitled to Type IV quarter as

20.12.96

contd...

his basic pay as on 26.2.1996, which is his priority date, is Rs. 3600/- p.m. They state that there was no occasion to call for option or application from the applicant for allotment of one Type below as there was no vacant Type IV quarter and there were a number of applicants who were in the waiting list for allotment of Type IV quarters to which they are entitled as per rules. The applicant had of his own accord submitted an application for allotment of Type IV quarter which is a Type below his entitled Type V. They contend that the applicant is not entitled to Type IV quarter as a matter of right. He is entitled to Type V quarter only. A lower Type quarter can be allotted only at the discretion of the competent authority under S.R. 317-B-7(1) (iii). In the facts and the situation available before ~~me~~ ^{him} the competent authority could not exercise the above discretionary power in favour of the applicant as, if it was done, it would deprive the applicants who are entitled to Type IV Quarter and who were in the waiting list for allotment of such quarters.

3. From the above submissions it appears that the issue concerned the exercise of discretion under S.R 317-B-7(1)(iii) by the competent authority. It also appears that the competent authority did not exercise the discretion in favour of the applicant so that the applicants in the waiting list for Type IV quarters are not deprived. List of such applicants who were in the waiting list has not been produced. The position is therefore not verifiable. Only the name of Sri A.K.Das Choudhury, respondent No.4, has been disclosed as entitled to Type IV quarter and he was allotted the Quarter No.Type IV/45 vide order dated 16.8.1996 (Annexure-D). ~~There is no~~ Sri A.K.Das Choudhury

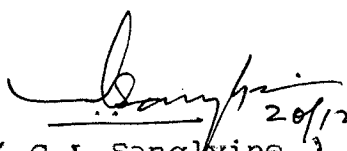
contd...

l
20/2.96

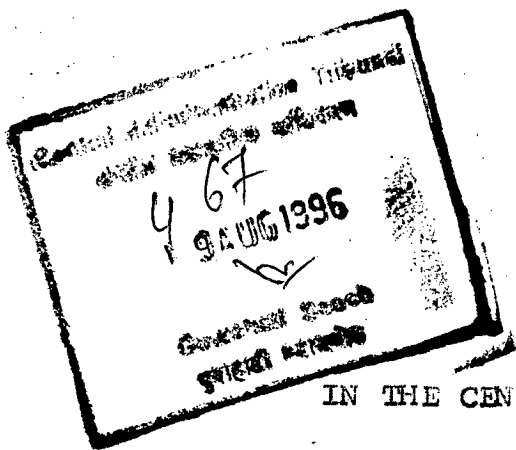
had refused to accept the allotment and prayed for cancellation of the allotment vide his application dated 20.8.1996. The present situation is that the Quarter Type IV/45 is vacant. In the circumstances the applicant is directed to submit a fresh representation within 15 days from the date of receipt of this order for allotment of Type IV Quarter before the competent authority and the competent authority shall consider and dispose of the representation of the applicant according to the relevant facts and rules within 15 days from the date of receipt of the fresh representation from the applicant.

4. In the rejoinder the applicant has raised the issue of allotment of Hostel accommodation stating that if type IV quarter was not available the respondents could have provided him with a Hostel accommodation but the respondents would not entertain applications from Executive Engineers for allotment of Hostel accommodation. The applicant has not stated that he had applied for a Hostel accommodation but his application was rejected. It appears that in this respect he has simply championed the cause of the Executive Engineers. At any rate, this matter of Hostel accommodation is not in the Original Application and cannot therefore be considered. Mr A.K.Choudhury, learned Addl.C.G.S.C however, has submitted that if the applicant applies for Hostel accommodation his application will be considered by the competent authority. I leave this matter to the parties concerned.

The application is disposed of as above. No order as to costs. The status quo order shall stand vacated on ~~disposed~~ of the fresh representation by the competent authority submitted by the applicant as indicated above.


(G.L.Sanglyine)
Administrative Member

20/12/96



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.
GUWAHATI.

O. A. 167/196.

Sri Padam Chand Jain.

..... Applicant.

-Versus-

Union of India & others.

..... Respondents.

I N D E X.

<u>Sl.No.</u>	<u>Particulars.</u>	<u>Page.</u>
1.	Petition.	1 - 11.
2.	Annexure - A, Rule regarding allotment of quarters.	12 -19.
3.	Annexure - B, Application dated 17.7.96 for allotment of quarter.	20 - 21.
4.	Annexure - C, a copy of the order of allotment dated 15.3.96.	22 - 24.
5.	Annexure - D, the impugned order of allotment dated 16.8.96.	25 - 27.
6.	Annexure - E, copy of the representation made to the Chief Engineer, CPWD, Shillong.	28.

10
Filed by the applicant
through M. Chandlo.
19.8.96. AN.
NCPB

11

VCP

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH.

Sri Padam Chand Jain.

-Versus-

Union of India & others.

1. Particulars of the Applicant.

Sri Padam Chand Jain,
son of late Mehar Chand Jain,
resident of Jaswant Road, Panbazar,
Guwahati, District - Kamrup, Assam.

2. Particulars of the Respondent.

1. Superintending Engineer, Assam,
Central Circle No. I, Central
Public Works Department,
Bamunimaidan, Guwahati- 21.
2. Director of Estate,
Office of Directorate of Estate,
Nirman Bhawan, New Delhi,
Pin - 110011.
3. Union of India,
represented by the Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi- 110011.

4.....

12
B
K

4. A.K. Das Choudhury,
Assistant Surveyor of Works (Electrical),
C.P.W.D., Bamunimaidan,
Guwahati- 21.

5. Chief Engineer (NEZ),
C.P.W.D., Shillong.

3. Particulars of the order against which this application is made :-

An order dated 16.8.96 issued by Superintending Engineer, vide his order No. 12(3)/ACC/GS/1684.

4. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. Limitation :-

The applicant further declares that the application is within the period of limitation prescribed under Section 21 of Administrative Tribunal Act.

6. Facts of the Case :-

The humble petition of the applicant abovenamed, -

MOST RESPECTFULLY SHEWETH. :

1. That the applicant is a citizen of India and at present residing at Panbazar, Guwahati, District - Kamrup, Assam.

19
S
II) That the applicant is an employee of Central Public Works Department (C.P.W.D.). At present he is an Executive Engineer (Electrical) posted at the office of Superintending Engineer (Electrical), C.P.W.D., Bamunimaidan, Guwahati-21.

III) That the applicant was initially appointed as Junior Engineer, Electrical on 20.9.62. Thereafter, he was promoted to the post of Assistant Engineer on 31.12.74 and subsequently he has been promoted to the post of Executive Engineer (Electrical) on 26.2.96.

IV) That the applicant was an Assistant Engineer at New Delhi. He was promoted to the post of Executive Engineer and on promotion he joined ~~xx~~ at Guwahati on 26.2.96.

V) That the applicant begs to state that the Central Public Works Department has constructed a number of Quarters for their staff. These Quarters are marked as Type I, Type II, Type III, Type IV, Type V etc.

The general rule for allotment of quarters as applicable to the Central Govt. Employees are also followed by the CPWD. Accordingly, the Director of Estate vide their order No. D-11031/44/91 issued a guideline to be followed by the all concerned department for the purpose of allotment of quarters to its officials.

A Copy.....

14
S
A

A copy of the said order as circulated to all concerned Executive Engineers C.P.W.D. is annexed hereto and marked as Annexure - "A".

VI) That according to this rule allotment of quarter to a particular employee depends upon his basic pay as on the date of allotment. Thus a person drawing a basic pay of Rs. 3600/- and above is entitled for Type V Quarter. He is also entitled for any quarter which is marked as Type IV (i.e. one type below).

VII) That the applicant's basic pay is Rs. 3600/-. He is entitled for type V quarter. He is also entitled for type IV quarter also. He applied for allotment of quarter at Guwahati. In his applications he specifically stated that he may be allotted with any of the quarters marked as Type IV or Type V. The aforesaid applications for allotment of quarter were submitted by the applicant on 21.3.96 before Superintending Engineer, Assam Central Circle.

VIII) That the applicant begs to state that one Sri P.K. Gupta, Assistant Surveyor, Electrical, was provided with a Type IV quarter at Japrigog, Zoo-Narengi Road, Guwahati. He was transferred to Calcutta in the month of July '96. He vacated his allotted quarter on 31.7.96. On 17.7.96 the applicant requested the respondent No.1 to allot the quarter occupied by Sri P.K. Gupta as the same would be vacated by the occupant.

A copy.....

15
No. 1

A copy of the application dated 17.7.96 is annexed hereto and marked as Annexure - "B".

IX) That the applicant begs to state that the respondent No. 4 is an employee of CPWD posted as Assistant Surveyor of Works, C.P.W.D., Bamunimaidan, Guwahati. He was been provided with a quarter by the respondent No. 1 vide his order dated 15.3.96. Though he was provided with a quarter, the respondent No.1 vide his order dated 16.8.96 allotted him a Type IV quarter vacated by Sr. P.K.Gupta on 31.7.96 depriving the applicant.

Field staff
Hostel

Copies of the order of allotment dated 15.3.96 and the impugned order of allotment dated 16.8.96 are annexed hereto and marked as Annexure - "C" and "D" respectively.

X) That the respondent No. 4 has been allotted with a quarter. The applicant has not yet been allotted with any quarter. He is entitled to the quarter vacated by Sri P.K.Gupta. But, the respondent No.1, for reason best known to him allotted this quarter to the respondent No. 4.

XI) That the applicant begs to state that respondent No. 4 is in occupation of a quarter. If he is not allotted with the quarter in question, it would not cause any harm to him. On the contrary if the quarter in question is not allotted to the applicant he would suffer great

hardship.....

100/1

hardship. So balance of convenience with regard to the allotment of quarter is apparently in favour of the applicant.

XII) That apart from convenience of allotment, the respondent No.1 committed irregularity or illegality while granting an order of allotment. According to the rule in force a senior person should have a preference over his junior employee. In the instant case the applicant joined his service on 20.9.62 whereas the respondent No. 4 joined his service on 19.3.65. So on the basis of seniority also the applicant is entitled to the vacant quarter. In this regard the applicant beg to refer the relevant rule ~~317-B-2(i)~~ Fundamental Rule which is quoted below :

Rule 317-B-2

"(i) "Priority date" of an officer in relation to a type of residence to which he is eligible under the provision of S. R. 317-B-5, means the earliest date from which he has been continuously drawing emoluments relevant to a particular type or a higher type in a post under the Central Government or State Government or on foreign service, except for periods of leave in respect of Type V(A) to Type VIII accommodation, single and double room hostel accommodation, and the date from which he has been continuously in service under the Central Government or State Government including the period of foreign service in respect of Type I to Type IV accommodation, and accommodation in Working Girls' Hostel :

Provided.....

rk
S
K

Provided that where the priority date of two or more officers is the same, seniority among them shall be determined by the emoluments, the officer in respect of higher emoluments taking precedence over the officer in respect of lower emoluments; where the emoluments are equal, by the length of service; and where both the emoluments and length of service are equal, on the basis of the scale of pay of the officer, the officer working in a post having higher scale of pay taking precedence over the officer in receipt of lower scale of pay."

XIII) That the applicant begs to state that the Rule of law and equity demands that the said quarter, being quarter No. Type IV/45, should be allotted to the applicant. It is pertinent to note that the applicant's basic pay is at Rs. 3600/- which is higher than the rate of basic pay as being paid to the Respondent No. 4 (Rs 2975). On this count also the applicant has the preference over the respondent No. 4.

XIV) That immediately after issuance of this impugned order, the applicant has submitted a representation (Fax Message) to the Chief Engineer, C.P.W.D., at Shillong so that the quarter No. Type IV/45 in CPWD Colony may be allotted to the applicant. But nothing has been done till date.

A copy of the said representation dated 16.6.96 is annexed hereto and marked as Annexure - "E".

XV)

XV) That the applicant begs to state that the applicant is entitled for the quarter which is being allotted to respondent No. 4. He has a good prima facie case for allotment of quarter in his favour. If the quarter is not allotted to respondent No. 4, it would not cause any affect on him as he is in occupation of a quarter. If the quarter in question is not allotted to the applicant and the respondent No. 4 is allowed to occupy the same it would cause a great hardship to the applicant as he would be deprived of his due quarter against the procedure established by law. So for all counts it is a fit case where this Hon'ble Tribunal may be pleased to pass an order to stay the operation of the impugned order dated 16.8.96.

7. Relief sought for :

In view of the facts stated above the applicant prays for following reliefs :-

- (i) To direct the Superintending Engineer, Assam Central Circle No. I, Central Public Works Department, Respondent No.1 to allot the quarter No. Type IV/45 at Japorigog, Bamunimaidan to the applicant,
- (ii) To set aside and quash the impugned order dated 16.8.96 issued by the Superintending Engineer, Assam Central Circle-I CPWD, Guwahati vide his order No. 12(3)/ACZ/GS/1684.

(iii).....

17
JCB

(iii) To pass any further or other order or orders as this Hon'ble Tribunal may deem fit and proper.

The aforesaid reliefs are sought for on the following amongst other -

- G R O U N D S -

- i) For that the impugned order suffers from non-application of mind. The respondent No. 4 has already been allotted with a quarter. He has no need to have any quarter. & The applicant has not been allotted with any quarter. He is entitled for the quarter allotted to the respondent No. 4.
- ii) For that the impugned order being arbitrary, whimsical, capricious, violative of Article 14 and the same is liable to be set aside and quashed.
- iii) That the applicant being an Executive Engineer, entitled for a type V quarter. He is also entitled for 1 Grade below type quarter (i.e. Type IV) quarter. One Type IV quarter is lying vacant. The applicant being senior to the respondent N o. 4 has a preferential right over him to have the allotment of the quarter.
- iv) For any view of the matter, the impugned order is liable to be set aside and quashed.

8. Interim relief :-

The applicant prays that in view of the facts stated above the respondents may be directed not to

give.....

20
VCD3

give effect of the order dated 16.8.96 issued by the Superintending Engineer, Assam Central Circle I, CPWD, vide his order No. 12(3)/ACZ/GS/1684 and/or pass any further or other order or orders as this Hon'ble Tribunal may deem fit and proper.

9. Details of the Remedies exhausted.

That the applicant begs to submit that he has no other alternative efficacious remedy and the remedy sought for are just, proper and adequate.

10. Matter not pending with any court :

The applicant further declares that the matter regarding which this application has been made is not Pending before any court of law or any other authority or any other bench of the Tribunal.

11. Particulars of the postal order in respect of the application fee :-

- i) Number of postal order : 346717
- ii) Name of the issuing post Office : C.P.O. Coochibhar
- iii) Date of issue of the postal order. : 19-8-96.
- (iv) Post office at which payable : Coochibhar.

12. Details of Index :

As contained in the index.

13. List of Enclosures :

As shown in the index of application.

Verification.....

V E R I F I C A T I O N .

I, Sri Padam Chand Jain, son of late Maher Chand Jain aged about 54 years, resident of Panbazar, Guwahati-1, District - Kamrup, Assam, do hereby solemnly affirm to state as follows :

1. That I am the applicant of this application and as such well acquainted with the facts and circumstances of this case.
2. That the contents of paragraphs 1 to 13 of this application are true to the best of my knowledge, and belief and that of paragraphs 1 to 13, are matters of record derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal. I sign this Verification on this 19th day of August 1996.



Deponent.

(P. C. JAIN)

No. D-11031/44/91-Regions
GOVERNMENT OF INDIA
DIRECTORATE OF ESTATES
(REGIONS SECTION)

New Delhi, the.....

OFFICE MEMORANDUM

Subject:- Application for allotment of General pool residences and for Hostel accommodation in regional Stations out side Delhi for allotment period from 1.1.1992 to 31.12.1993.

.....

A copy of this Directorate's O.M.No.12035(6)/91-Pol-II dated 7.10.91 in which applications for allotment of accommodation from employees posted in various eligible office in Delhi/New Delhi have been cabled is sent herewith with the advice that a similar O.M. with proper modifications, where ever required, may be circulated by you to all the eligible offices in your station immediately. The date of priority upto which application in each type are to be invited by the regional offices may be fixed depending upon the number of quarters available and other relevant factors, etc.

15.11.1991 or some other date in November'91 may be prescribed as last date for receipt of applications forms and it may be made clear that no applications received after the prescribed date would be entertained.

(N.K. CHADHA)
Asstt. Director of Estates (R)

All regional Offices.

14. The Executive Engineer,
Maghalaya Central Division,
C.P.W.D.,
Shillong.

*Attached
Chadha
JN*

New Delhi, dated the 7-10-1991

Subject: Applications for allotment of general pool residences and Hostel accommodation in Delhi/New Delhi for the allotment period from 1.1.92 to 31.12.93.

The next allotment year in the general pool accommodation has been notified to commence from 1.1.92 and will remain in force upto 31.12.93. Applications on the prescribed DE-II forms (a), (B), (C) from the following categories of Government servants who are desirous of seeking allotment during the next allotment year are required to be forwarded by the concerned Administrative Ministries/Departments so as to reach this Directorate as early as possible or latest by 15th Nov., 1991.

S.No.	Type of accommodation	Date of priority upto which applications are to be sent.
1.	I	31st Dec., 1983
2.	II	31st Dec., 1974.
3.	III	30th June, 1971.
4.	IV	30th June, 1971.
5.	IV(Special)	Officers with basic pay of not less than 4250/- p.m. as on 1.10.91 may only apply.
6.	V(A) general pool	Officers with basic pay of not less than 5000/- p.m. as on 1.10.91 may only apply.
7.	V(A) tenure pool	Officers with basic pay not less than 3600/- p.m. as on 1.10.91 may only apply.
8.	V(B) general pool	Officers with basic pay not less than 5100/- p.m. as on 1.10.91 may only apply.
9.	V(B) tenure pool	Officers with basic pay not less than 5500/- p.m. as on 1.10.91 may only apply.
10.	VI(A)	Officers with basic pay of not less than Rs.6300/- p.m. as on 1.10.91 may only apply.
11.	Type VII B	Officers with basic pay of not less than Rs.6700/- p.m. as on 1.10.91 may only apply.
12.	Type VII	Officers with basic pay of not less than Rs.7300/- p.m. as on 1.10.91 may only apply.

A.A. Arora
Chhile
A.V.

- 13. Type III Officers with basic pay of Rs. 3000/- p.m. as on 1.10.91 may only apply.
- 14. Hostel Accommodation (Including Working Girls Hostel) Upto 01.10.91.
- 15. Tenure Pool (Type IV) Upto 01.10.91
- 16. SC/ST category and Ladies (Single/Married) All types upto 01.10.91.

2. For the convenience of handling the applications in Directorate of Estates, application forms for different types have been printed in different colours using either coloured paper or coloured ink. The intending applicants should use only the forms meant for a particular type for which the application is made.

3. Officers who apply for accommodation in Tenure Pool, SC/ST Pool, Ladies Pool, etc. should indicate in capital letters on right hand side on top of the first page of the application form, the pool for which they apply. For example, applications for Tenure Pool/Ladies Pool should indicate in capital letters on the top of the first page as follows:-

TENURE POOL
LADIES POOL

(Separate applications on the prescribed forms i.e. D.E.-2(A) for type IV (Special) and Type-V to VIII D.E.2(B) for Hostel Accommodation and D.E.2(C) for Type I to IV may please be used by the officers who apply for accommodation.)

4. Entitlement for types of accommodation will be determined as per the following Basic Pay drawn as on 1.10.91.

Type of Residence	Entitlement with regard to the existing classification based on the monthly Basic Pay of Officer as on 1.10.1991.
I	less than Rs.950/- p.m. ✓
II	less than Rs.1500/- p.m. but not less than Rs.950/- p.m.
III	less than Rs.2500/- p.m. but not less than Rs.1500/- p.m.
IV	less than Rs.3500/- p.m. but not less than Rs.2300/- p.m.
IV (Spl)	Not less than Rs.3000/- p.m.
V-A	less than Rs.4500/- p.m. but not less than Rs.3500/- p.m.
V-B	less than Rs.5900/- p.m. but not less than Rs.4500/- p.m.
VI-A	less than Rs.6700/- p.m. but not less than Rs.5900/- p.m.
VI-B	less than Rs.7300/- p.m. but not less than Rs.6700/- p.m.

VII Less than Rs 8000/- p.m. but not less than Rs.7000/- p.m.

VIII Rs.8000/- p.m. and above.

- Hostel Suites Double Suite with Kitchen - Rs.2300/- p.m.
- Single Suite with Kitchen - Rs.2000/- p.m.
- Single Suite without Kitchen - Rs.2000/- p.m.

N.B. - Date of priority for Type V and above, Type-IV(Spl) and for Hostel accommodation will be the date from which the minimum pay prescribed above is continuously drawn by the Govt. employees.

5. The date of priority must be filled in very clearly on the top of the form in the space provided in BOLD FIGURES.

6. (a) Government Officers entitled to Type-V and upwards can also apply in Type below their entitlement if they so desire, as follows:-

Entitled type	Type below their entitlement for which also eligible
Type-VA & VB	Type-IV
Type-VIA & Type-VIB	Type-VA & Type-VB.
Type-VII	Type-VE & Type-VIA.
Type-VIII	Type-VE, VIB & VII.

6(b) For this purpose they should send separate applications on the prescribed form for the type applied for.

7. Officers in occupation of accommodation in Vithalshai Patel House, Patodi House, Kutments and other Hostels can also apply for regular accommodation on the appropriate form. Refusal of allotment of a regular accommodation will render them liable for penalty prescribed under the Allotment Rules.

8. Application forms from the above category of Officers received after the prescribed date i.e. 15.11.91 will not be entertained. However, Govt. servants who come on transfer thereafter either from out-stations or from ineligible offices can submit their applications within one month of the date of their transfer. Such applications as are received upto the 20th day of a calendar month will be included in the regular waiting lists in the succeeding month.

9. In order to enable this Directorate to assess the potential demand for General Pool accommodation accurately, it is requested that the statistical information as in Annexure may kindly be sent along with the applications of the officers concerned. The applications without annexure will not be entertained as the statistics are required in connection with the General Pool.

*AA entered
Chhler
D.W.*

10. For such officers as happen to be on leave, tour etc. and where it is not possible to contact them and whose applications cannot be forwarded within the prescribed period provisional application forms may be sent by the Administrative Department office concerned within the date prescribed. Final application form should however, be sent within one week of the date of Officer's joining duty. In the case of appointees who are uneducated and are interested in allotment, it is for the Deptt./ Office to get his/her application forwarded to this Directorate in time.

11. In view of the need for economy, the demand for application forms should be restricted to the absolute minimum. In no case an application form should be used for retaining office copy. The indent for the supply of application forms should be addressed to Smt. Madhu Sham, Asstt. Director of Estates (General) room No.535, 'C' Wing, Nirman Bhawan, New Delhi 110011. The time for collection of forms will be 10.30 A.M. to 4.00 P.M. after 1.10.91. This timing should be adhered to strictly.

12. In order to avoid wastage of the printed forms it has been decided to price the forms. The cost of the forms may please be ascertained from Smt. Madhu Sham, Asstt. Director.

13. A list of eligible offices with Code Numbers is enclosed. The relevant Code Nos. and Sub Code Nos. must be filled in the application forms by the forwarding offices before forwarding the same to this Directorate. The applications, which do not contain the code numbers and sub-code numbers of eligibility shall not be entertained. If there are any omissions in the eligibility list, the concerned offices may contact Sri R.D. Sahay, Deputy Director (Policy) of this Directorate and get a corrigendum issued by him so that they can fill in the code number and sub-code number in the application being entertained.

14. Applications which are incomplete with ambiguous entries or leave any column blank shall not be entertained/shall be rejected and shall be reconsidered only after a period of six months.

15. All Ministries/Departments are requested to forward the applications complete in all respects, in separate bundles typewise, Poolwise, separately entitled and below type wherever applicable to enable this Directorate to process the applications quickly and efficiently. The complete applications should be delivered at the Special Counter Applications for Allotment Year 1992-93 which will be opened on the rear side of 420 Hall, Nirman Bhawan w.e.f. 13.10.91 against proper acknowledgment.

(R.E. SAHAY)
DEPUTY DIRECTOR OF ESTATES

To

1. All Ministries/Departments of the Govt. of India including their attached and sub-ordinate offices as per standard list.
2. P.W.D. Supreme Court of India, Delhi High Court, Chief Pay and Accounts Officer (with 10 spare copies).

3. The Comptroller and Auditor General of India (with 50 spare copies) for distribution to the officers working under him.
4. The Commissioner of Income Tax (Hrs. C.R. Building) New Delhi (with 25 spare copies) for distribution to the officers working under him.
5. The Chief Administrative Officer, Ministry of Defence (with 100 spare copies) with the request to send this circular to all offices under Defence Ministry including Naval, Air and Army Headquarters.
6. The Chief Secretary, Delhi Administration (with 50 spare copies) for distribution amongst the officers functioning under him.
7. All attached and sub-ordinate offices of the Ministry of Urban Development.
8. Officers concerned in the Directorate of Estates.
9. The D.G. (Works) CPWD and his sub-ordinate offices as per list supplied by the CPWD.

Incl. Form for annexure and list of eligible offices with Code Nos.

Attended
Chakr
ADW

Total demand (i.e. total number of Government employees working in Deptt./Ministry) for allotment of General Pool Accommodation as per ENTITLED TYPE in ENTITLED TYPE as on

Type of accommodation	Demand for accommodation.	No. of officers who have been allotted G.P. Accommodation		No. of Officers who have not been allotted G.P. Accommodation	No. of Officers who are buying houses in the same station of posting	Out of Allottees.	Out of persons who have not been allotted G.P. Accommodation.	
		Entitled Type	Below Entitled type					
		1.	2.	3.	4.	5.	6.	7.
I	Less than Rs.950/-p.m.							
II	Less than Rs.1500/-p.m. but not less than Rs.950/-p.m.							
III	Less than Rs.2800/-p.m. but not less than Rs.1500/-p.m.							
IV	Less than Rs.3600/-p.m. but not less than Rs.2800/-p.m.							
V-A	Less than Rs.4500/-p.m. but not less than Rs.3600/-p.m.							
V-B	Less than Rs.5900/-p.m. but not less than Rs.4500/-p.m.							
VI-A	Less than Rs.6700/-p.m. but not less than Rs.5900/-p.m.							

Handwritten signature and initials: "A. H. ... White ... P.D.V."

19
29

- II-8 Less than Rs. 7300/- p.m. but
not less than Rs. 6700/- p.m.
- II-1 Less than Rs. 8000/- p.m. but
not less than Rs. 7300/- p.m.
- III Rs. 8000/- and above.

NOTE: 1. The statement should indicate also demand of officers who are already allottees of General Pool Accommodation.

2. Number of house owning officers would be given separately regarding officials who have been allotted General Pool Accommodation and who have not been allotted general pool accommodation.

To
The Superintending Engineer
Assam Central Circle
C.P.W.D., Bamunimaidan,
Guwahati - 781021

Subject :- Application for allotment of Type-IV
Quarter in CPWD Colony, Japorigog.

Sir,

It is learnt that one no. Type-IV Quarter
is going to be vacated in CPWD Colony at Japorigog.
As such it is requested that my name may kindly be
considered for allotment of the same.

The application on prescribed proforma
is enclosed please.

It is further informed that I had already
applied on proper proforma for allotment of a Govt.
accomodation as per rules in March'96 i.e. with in
the prescribed time limit for submitting the applica-
tions.

Encl :- One nos.

Yours faithfully,

JCP
17/7/96

(P.C. Jain)

Executive Engineer(E)HQ.
Guwahati Central Electrical Circle
C.P.W.D., Guwahati - 781021

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

No. 1(1)/GCEC/96/2174

Dt. 18 /07/96

Forwarded in original to the Superintending
Engineer, Assam Central Circle no. I, CPWD, Guwahati for
further necessary action at his end. *Sh. Jain is posted*

at Guwahati on regular basis

o/c Superintending Engineer(E)
Guwahati Central Electrical Circle
C.P.W.D., Guwahati - 781021

Thakur/-.

Attended
Chhale
17/7/96

To,
The Superintending Engineer,
Ass. Central Circle,
C.P. S., BAMUNIMADAN,
GUWAHATI-781021.

Date: 17/7/96

91

Sub:-Application for allotment of Quarter
Type- IV No. at Japrija.

Sir,

I am to request you to kindly allot me one Govt Quarter/
Hostel Accommodation as per entitlement on the basis of my
following particulars:-

Type IV

1. Name of Govt. Servant :- P. C. JAIN
2. Designation :- Executive Engineer (Elect)
3. a) Emoluments as on 1.1.96 :- Rs 3600/- p.m.
(Basic Pay)
- b) Date from which above emoluments are drawn or being drawn continuously (applicable in case of application for T-V quarters only) :- 1.12.94
4. Date of entry in Govt. Service :- 20-9-1962
5. Date of joining in the present station. :- 26-2-1996
6. Date of place of posting as per order of Posting :- Guwahati
7. Is the application for change? If so give the details of accommodation which you are occupying now. :- NO
8. Is the application for Ear-marked Qrt. If so please give your full justification of eligibility. :- NO
9. Any other important information:-
10. It may also be stated that the Govt. Servant does not possess a house of his own or in the name of his family in the station of posting or in the adjoining municipal area. :- I certify that I do not own a house in my name or in my family members name in Guwahati or in the adjoining municipal area

Signature of applicant along with name of office (E.E. (E) G.E.E. Guwahati)
 (A. MAZUMDER)
 Superintending Engineer (Elect) Central Circle
 Name & Designation of Head of office along with stamp.

Certified that above particulars have been verified and found correct.

Date: 17.7.96

NOTE

1. Please give separate application for each type of accommodation.
2. Last date of application is 31.3.96.
3. Applicant joining Guwahati after 31.3.96 & submit application one month of joining at the station.

Accepted
Chhida
17/7/96

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

No. 12 (3) / ACC / GS / 17

Dated: 15/3/86

OFFICE MEMO

Sub:- Allotment of residential Government quarter at Japrigog to Central Government Officials posted at Guwahati.

With reference to applications received from C.P.W.D. Staff allotment of residential accommodation at Guwahati, the Government quarters mentioned below are hereby allotted to the following staff subject to the following terms and conditions noted hereunder and also that may issued subsequently by the Govt. of India from time to time.

Sl. No.	Name & Designation.	Office to which attached.	Quarters No. allotted Japrigog/Bamunimidan.	Quarters vacated by name & designation and office to which attached.
1.	2.	3.	4.	5.
1.	Sri A.K. Das Choudhary, B.S.-I, A.S. (2)	B.S.-I, A.S.-21.	YHS/II (A.F.)	

1. (a) The above allotment is purely on temporary basis and is liable for cancellation at any time.
1. (b) Licence fee will be charged at flat rate as decided by the competent Authority in terms of the Ministry of Urban Development office memo No.12085(1)85/Vol-II dt. 1-7-87 and the liability thereof will commence from the actual date of physical occupation by the allottee. Water charges, share of occupation, taxes and common light etc. should be paid in force from time to time.
2. No additions and/or alterations permanent or temporary will be made to the premises allotted to him without prior permission of competent authority.
3. The premises should be kept in neat and tidy condition to the satisfaction of the Health Officer, Municipal Corporation of Guwahati as required by the bye-laws thereof. None of the occupant shall be permitted to keep cattle in the campus. None of the allottees shall be permitted to keep any kind of shop within the campus.
4. (a) While surrendering accommodation, at least 10(ten) days Notice of vacation must be given to the Executive Engineer, Guwahati.

Received
18/3/86
No. 18/3
-2

Approved
A.K. Das
A.K.

10 days rent from the date of receipt of the notice or upto the date of occupation of the premises by another officer, whichever is earlier will be recovered from him.

(b) No subletting is allowed without prior approval of the Estate Officer and in that case the allottee will be responsible for any rent payable to Govt. in respect of quarter and for any damage to any services provided by Govt. Such subletting shall be restricted to the members of the C.P.W.D. only and in no case subletting to an employee of an outside organisation shall be permitted.

5. (a) The premises including fixtures and fitting shall be handed over by him to the Executive Engineer, Gauhati Central Divn., C.P.W.D., Guwahati-21 in good condition at time of vacation by him, failing which the cost of the damage will be recovered from him.

(b) The acceptance or otherwise of the allotment shall be intimated in writing within 5 (five) days of issue of this allotment order to the undersigned failing which the allotment order is liable to be cancelled.

(c) The liability of rent shall commence from the date of occupation or the 8 (eight) days from the date of receipt of the allotment whichever is earlier.

6. Allottee is requested to contact the Assistant Engineer, Gauhati Central Sub-Divn. CPWD, Guwahati-21 for obtaining possession of the house. *Under Gauhati Central Divn., CPWD, Guwahati*

7. The actual date of occupation of the quarter may please be reported to the Executive Engineer, Gauhati Central Divn., C.P.W.D., Guwahati-21 and the Asstt. Engineer, Gauhati Cent. Sub-Divn. No. III, CPWD, Guwahati-21 under intimation to this office.

8. The allottee will have to deposit Rs. 200/- per meter as security of Electric Meter with the Executive Engineer, Gauhati Elect. Divn. No. I, CPWD, Guwahati-21 before the quarter is occupied which will be refunded to him in full at the time of vacation of the quarter after producing the certificate to the Executive Engineer, Gauhati Elect. Divn. No. I, CPWD, Guwahati-21 regarding full and final payment of electrical charges consumed from the Assam State Electricity Board.

9. For connection/disconnection and paying of electricity consumption charges the allottee will have to contact the Assam State Electricity Board.

10. The entry into and use of roof for any purpose is strictly forbidden. The entry into the roof is only permitted for the maintenance staff and they are normally kept under lock and key by the Asstt. Engineer/Junior Engineer-in-charge of maintenance of these quarters. In case of breakage or damage to these locks and fittings etc. the cost will be recovered from the upper floor allottees.

Deposit of garbage in and around the quarters and anywhere within the campus, thus giving rise to insanitary conditions is strictly forbidden. The Guwahati Municipal Corporation is being requested to make arrangements for clearance of garbage daily from one Central place near the campus and if this arrangement is agreed to a garbage bin is proposed to be constructed. Till this arrangement comes into effect, the allottees are directed to dispose off the garbage will away from the campus area.

A. H. [Signature]

- 12. The clearance of gully chamber and the granting is necessarily the responsibility of the tenant. It is seen that due to materials like ash etc., used by the tenants for clearing utensils the gully granting gets checked up often and creates insanitary conditions in and around the quarters due to over flow from these gully chambers.

The allottees are directed to make suitable arrangement for clearing of the fully chambers daily. As insanitary conditions cannot be permitted to exist the maintenance Junior Engineer has got the authority to get this gully chambers cleaned at the cost of tenants. It is, therefore, necessary that the tenants engage a sweeper on monthly basis for this purpose. If checking of gully chamber occurs too often compelling the Junior Engineer to clean them at the cost of the tenants the Department would be compelled to engage a sweeper on monthly payments and a portion of the cost towards his wages would have to be recovered from the salary bills of all the allottees.

- 13. The allottees attached to offices/Departments, other than CPWD should submit certificates twice in a year and finally after vacation of the quarter on transfer/retirement through their respective Drawing and Disbursing Officers stating that the licence fee, for the period of occupation, has been recovered from their respective pay bills.

- 14. The allottee should submit a clearance from the Assam State Electricity Board regarding full and final payment of electricity consumption as and when vacates quarter on transfer/retirement etc. consumption as and when vacates quarter on transfer/retirement etc.

Violation of any of the above terms and conditions would render the allotments to be cancelled and in addition Departmental action would be taken against them.

sd/-
Superintending Engineer,
Assam Central Circle, C.P.W.D.,
Guwahati-781021.

Copy forwarded to :-

- 1. The Executive Engineer, Guwahati Central Division, CPWD, Guwahati-21.
- 2. The Executive Engineer (Elect), Guwahati Elect. Division-I, CPWD, Guwahati-21.
- 3. The Asstt. Engineer, Guwahati Cent. Sub-Divn. No. 111, CPWD, Guwahati-21.
- 4. ✓ Shri. A.K. Das Choudhury, Guwahati Elect. Divn-I, CPWD, Guwahati-21.
- 5. The Asstt. Engineer (EL), Elect. Constn. Sub-Division, CPWD, Guwahati-21.

*AAsted
Chakraborty
J*

15/3/96
SUPERINTENDING ENGINEER.

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

5

No.12(3)/ACC/GS/ 1684

Dated 16/8/98

OFFICE MEMO

Sub:- Allotment of residential Government Quarter at Japrigog to Central Government Officials posted at Guwahati.

With reference to applications received from C.P.W.D. staff allotment of residential accommodation at Guwahati, the Government quarters mentioned below are hereby allotted to the following staff subject to the following terms and conditions noted here under and also that may issued subsequently by the Govt. of India from time to time.

Sl. No.	Name & Designation	Office to which attached.	Quarters No. allotted Japrigog/Bamunimaidam.	Quarters vacated by name & designation and office to which attached
1.	Sh. A.K. Das Choudhury, ASW(B)	GEO-I	Ty-IV/45	Vacated by Sh. P.K. Gupta, ASW(B), GCEO.

- 1 (a) The above allotment is purely on temporary basis and is liable for cancellation at any time.
- 1 (b) Licence fee will be charged at flat rate as decided by the competent Authority in terms of the Ministry of Urban Development office memo No.18011/13/89-POL III dt.28.6.91 and the liability thereof will commence from the actual date of physical occupation by the allottee. Water charges, share of occupation, taxes and common light etc. should be paid in force from time to time.
2. No additions and/or alternations permanent or temporary will be made to the premises allotted to him without prior permission of competent authority.
3. The premises should be kept in neat and tidy condition to the satisfaction of the Health Officer, Municipal Corporation of Guwahati as required by the bye-laws thereof. None of the occupant shall be permitted to keep cattle in the campus. None of the allottees shall be permitted to keep any kind of shop within the campus.
- 4.(a) While surrendering accommodation, at least 10(ten) days Notice of vacation must be given to the Executive Engineer, Guwahati.

A.H. Sarda
M. Sarda
psw

Contd/-----2.

10 days rent from the date of receipt of the notice or upto the date of occupation of the premises by another officer, whichever is earlier will be recovered from him.

(b) No subletting is allowed without prior approval of the Estate Officer and in that case the allottee will be responsible for any rent payable to Govt. in respect of quarter and for any damage to any services provided by Govt. Such subletting shall be restricted to the members of the C.P.W.D. only and in no case subletting to an employee of an outside organisation shall be permitted.

5. (a) The premises including fixtures and fitting shall be handed over by him to the Executive Engineer, Gauhati Central Divn., C.P.W.D., Guwahati-21 in good condition at time of vacation by him, failing which the cost of the damage will be recovered from him.

(b) The acceptance or otherwise of the allotment shall be intimated in writing within 5(five) days of issue of this allotment order to the undersigned failing which the allotment order is liable to be cancelled.

(c) The liability of rent shall commence from the date of occupation or the 8(eight) days from the date of receipt of the allotment whichever is earlier.

6. Allottee is requested to contact the Assistant Engineer, Gauhati Central Sub-Divn., CPWD, Guwahati-21 for obtaining possession of the house. *[Under Gauhati Central Divn., CPWD, Guwahati-21]*

7. The actual date of occupation of the quarter may please be reported to the Executive Engineer, Gauhati Central Divn., C.P.W.D., Guwahati-21 and the Asstt. Engineer, Gauhati Cent. Sub-Divn. No. III, CPWD, Guwahati-21 under intimation to this office.

8. The allottee will have to deposit Rs.200/- per meter as security of Electric Meter with the Executive Engineer, Gauhati Elect. Divn. No.I, CPWD, Guwahati-21 before the quarter is occupied which will be refunded to him in full at the time of vacation of the quarter after producing the certificate to the Executive Engineer, Gauhati Elect. Divn, No.I, CPWD, Guwahati-21 regarding full and final payment of electrical charges consumed from the Assam State Electricity Board.

9. For connection/disconnection and paying of electrical consumption charges the allottee will have to contact the Assam State Electricity Board.

10. The entry into and use of roof for any purpose is strictly forbidden. The entry into the roof is only permitted for the maintenance staff and they are normally kept under lock and key with the Asstt. Engineer/Junior Engineer-in-charge of maintenance of these quarters. In case of breakage or damage to the locks and fittings etc. the cost will be recovered from the upper floor allottees.

11. Dumping of garbage in and around the quarters and anywhere within the campus, thus giving rise to insanitary conditions is strictly forbidden. The Guwahati Municipal Corporation is being requested to make arrangements for clearance of garbage daily from one Central place near the campus and if this arrangement is agreed to a garbage bin is proposed to be constructed. Till this arrangement comes into effect, the allottees are directed to dispose off the garbage will away from the campus area.

[Handwritten signature]
Chh
Ad

12. The clearance of gully chambers and the granting is necessarily the responsibility of the tenant. It is seen that due to materials like ash etc., used by the tenants for clearing utensils the gully granting gets checked up often and creates insanitary conditions in and around the quarters due to over flow from these gully chambers.

The allottees are directed to make suitable arrangements for clearing of the gully chambers. As insanitary conditions cannot be permitted to exist the maintenance Junior Engineer has got the authority to get this gully chambers cleaned at the cost of tenants. It is, therefore necessary that the tenants engage a sweeper on monthly basis for this purpose. If checking of gully chamber occurs too often compelling the Junior Engineer to clean them at the loss of the tenants the Department would be compelled to engage a sweeper on monthly payments and a portion of the cost towards his wages would have to be recovered from the allottee bills of all the allottees.

13. The allottees attached to offices/Departments, other than CPWD should submit certificates twice in a year and finally after vacation of the quarter on transfer/retirement through their respective Drawing and Disbursing Officers stating that the licence fee, for the period of occupation, has been recovered from their respective pay bills.

14. The allottee should submit a clearance from the Assam State Electricity Board regarding full and final payment of electricity consumption as and when vacates quarter on transfer/retirement etc. consumption and when vacates quarter on transfer.

Violation of any of the above terms and conditions would render the allotments to be cancelled and an additional Departmental action would be taken against them.

Superintendent Engineer
Assam Central Circle-I
CPWD, Guwahati-2

Copy forwarded to :-

1. The Executive Engineer, Guwahati Central Circle, CPWD, Ghy-21.
2. The Executive Engineer (Elect), Ghy. Elect. Divn., CPWD, Ghy-21.
3. The Asst. Engineer, Guwahati Cent. Sub-Divn. III, CPWD, Ghy-21.
4. Shri ~~the~~ **A.K. Das Choudhury, ASW(E), GED-I, CPWD, Ghy-21.**
5. The Asst. Engineer (El), Elect. Sub-Divn. I, CPWD, Ghy-21.

[Signature]
SUPERINTENDENT ENGINEER

A.K. Das
Chh
Adv

FAX MESSAGE

Shri M.B.Kodnani
Chief Engineer (NEZ)
C.P.W.D., Shillong
Fax No :-0364--225976

Sir,

Shri A.K.Suri, Superintending Engineer (Civil) Assam Central Circle, CPWD, Guwahati-21 has illegally and arbitrarily allotted Qrt.No.Type-IV/45 in CPWD Colony today on 16-08-96 to Shri A.K.Das Choudhury, ASW(E)/GEDI/CPWD/Guwahati-21, who is much junior to me in service & also in basic pay depriving the undersigned, the genuine claimant.

Your immediate intervention in the matter for cancellation of the above order and for issue of revised allotment order in my favour is prayed.

Yours faithfully

JCP
16/8/96

(P. C. Jain)

Executive Engineer (EL) HQ
Guwahati Cent.Elect.Circle
C.P.W.D., Guwahati-21.

Copy to :-

1. The Chief Engineer (E1) EZ, CPWD, Calcutta for information please.
2. The Superintending Engineer, Assam Cent.Circle, CPWD, Guwahati for information and necessary action please.
3. The Superintending Engineer (E), Guwahati Central Circle, CPWD, Guwahati for information.

JCP
16/8/96

P. C. JAIN

A.A. K. Kodnani
Chd
AW

29

58
Filed by:-
A. K. Chandhru
Addl. Central Govt
Standing Counsel.
27.9.96

General Administrative Tribunal
Guwahati Bench
20 SEP 1996
M. Joseph

THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH.

Filed in Court
on 27-9-96
Court Master
27/9

In the matter of :

O.A. No. 167/1996

Shri Padam Chand Jain Applicant

-VS-

Union Of India and Others ...

In the matter of :

Written statement for & on behalf of
the Respondents No.1,2,3 & 5

WRITTEN STATEMENT :-

1. That with regard to the statements made in the paragraph I, II, III and IV of the application, the answering Respondents have no comment on them.

2. That with regard to the statements made in the paragraph V of the applicant, the answering respondents beg to state that the residential accommodation constructed by C.P.W.D. for its staff is meant for allotment to C.P.W.D. staff. This accommodation, is not General Pool; accommodation for Central Govt. employees.

For allotment, basic guidelines of General Pool residential quarters as given in Supplementary Rules are

Superintending Engineer
Assam Central Circle,
C.P.W.D., Guwahati-21

39

being kept in foreground while deciding the allotment of quarters which are to the best interest of the department and applicants as a whole.

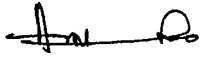
Allotment rules for General Pool accommodation are applied at other stations only after necessary modifications as also brought and in O.M. No.D-11031/44/91-Regions dated 7.11.91. At Guwahati, the allotments are done as per guidelines given in Supplementary Rules.

The guidelines as referred to in the Annexure-A by the applicant are not applicable in toto in the instant case. Even the subject mentions "Application for allotment of General Pool Residences" whereas residences being dealt in the instant case are Departmental quarters and not General Pool residences. Also copy of Office Memorandum annexured by the petition as Annexure - A is endorsed to Executive Engineer, Meghalaya Central Division, C.P.W.D., Shillong who is also Estate Officer for General Pool Quarters at Shillong for taking action for issuing similar O.M., with proper modification for circulation in all the eligible offices for General Pool accommodation at Shillong. This O.M. was not meant for Guwahati since at present there are no General Pool accommodation at Guwahati.

Superintending Engineer
Assam Central Circle,
C. P. W. D., Guwahati-21

3. That with regard to statements made in the paragraph VI of the application, the answering respondents beg to

state that he is doing the work of the Estate Officer for deciding allotment of departmental quarters to C.P.W.D. staff at Guwahati. While deciding the allotment, basic guidelines regarding allotment of Government residences given in Supplementary Rules are being generally followed which are to the best interest of the department and applicants as a whole. Accordingly, allotment of quarters to the particular employee not only depends upon basic pay as on the date of allotment but also his service seniority. In this connection, the defination as contained in S.R.B.-2(h) (i) which interalia states that 'priority date' of an officer in relation to a type of residence to which he is eligible under the provisions of S.R. 317-B-5, means the earliest date from which he is continuously drawing emoluments relevent to a particular type.....". The applicant has since been drawing his basic pay of Rs. 3600/- p.m. (or above) only w.e.f. 26.2.96, his 'priority date' is to be considered only from the above date for deciding allotment of a Type - V quarter for which the applicant is eligible in terms of the S.R. 317-B-5. It is denied that the applicant is also entitled to Type - IV quarters, as explained in Para- 4. The need for calling options for one Type below i.e. for Type - IV Qr. would have arisen, if there were no applicants for these quarters and these quarters would have been lying vacant on account of non - availability of applicants. Since, no such situation had arisen,



অতিরিক্ত ইঞ্জিনিয়ার
Superintending Engineer
অসম কেন্দ্রীয় পরিষদ
Assam Central Circle,
ও. পো. নি. বি. ক. হাটী-২১,
G. P. W. D., Guwahati-21

therefore, there was no need to call applications for one type below quarters i.e. type-IV in this case. Therefore, the applicant's contention that he is also entitled for type - IV Qr. (i.e. one type below) is self motivated and is not acceptable.

S.R. 317-B-2 and S.R. 317B-5 are annexed hereto marked as Annexures-I and II respectively.

4. That with regard to statements made in the paragraph VII of the application, it is denied that the applicant is entitled to Type-IV quarter. As per clarification of residence given in Para S.R. 317-B-5 for Type-IV residence the emoluments of the officer should be less than Rs.3600/- p.m. but not less than Rs.2800/- p.m., Since the emoluments of the officer is Rs.3600/- p.m., therefore, he is entitled only for Type-V quarter. The contention of the applicant that he had applied for one type below quarter and is thus entitled for Type-IV quarter also, is not capable of holding. Since, this office has not asked for any application for one type below quarters from the applicant which clearly shows that there was never any intention to allot one type below quarters. Therefore, the application submitted by the applicant for one type below was of his own creation and was not wanted. Moreover, the applicant is also not entitled to one type below accommodation as a matter of right. In this regard, the extract of S.R.317-B-7

Am R.

উপস্থিত ইঞ্জিনিয়ার
Superintending Engineer
অসম কেন্দ্রীয় পরিষদ
Assam Central Circle,
ও. পো. নি. বি. ব. হাটী-৪১,
G. P. W. D., Guwahati-21

37

41

(Annexure-III) is reproduced below :-

"(iii) The Director of Estates, on request from the applicant for allotment of lower category residence, might allot to him a residence next below the type for which the applicant is eligible in S.R. 317-B-5 on the basis of his priority date for the same".

From the above it is evident that the allotment of the quarters of lower type is the discretionary power of Director of Estates (Estates Officer), which could not be exercised in the instant case in favour of applicant since it could have meant depriving the other genuine wait listed applicants of Type-IV quarters who were entitled to Type-IV as per their priority dates (service seniority) and/being basic salaries between Rs. 2800/- to Rs. 3599/- p.m. in accordance with S.R. 317-B-5.

Since the Respondent No.1 had never asked for applications for consideration regarding allotment of one type below category of residences from the officials/ staff working in the department at Guwahati, therefore the applicant's application dated 21.3.96 is self - motivated and was irrelevant and uncalled for. Copy of S.R. 317-B-7 and respondent's application for Type-V quarters are annexed as Annexures-III and IV respectively. The applicant is entitled to be considered for allotment of Type - V quarter for which he has

[Handwritten signature]

अधिकार इजाजत
Superintending Engineer
असम केन्द्रीय परिमन्त्रालय
Assam Central Circle,
को. प्रो. नि. वि. ब. हाटी-21,
G. P. W. D., Guwahati-21

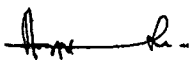
U
M

47

applied (Enclosed : Annexure - IV).

5. That with regard to statements made in the paragraph VIII of the application, the answering respondents beg to state that since the applicant was not eligible for considering for a quarter next below his entitlement therefore, his request was not entertained as already detailed in Para - 4 above.

6. That with regard to the statements made in the paragraph IX of the application, the Respondent No.1 would like to state that Shri A.K. Das Choudhury (Respondent No.4) was occupying accommodation in Field Staff Hostel allotted by the Department. He had also applied for regular Type - IV quarter (Annexure-V) and was one of the applicant for Type-IV. As per the seniority list of wait listed applicants of Type-IV quarters, the Respondent No. 4 was allotted the quarter rightfully in accordance with the Rules and it has got no bearing what-so-ever on the applicant's interest. It is denied that the applicant was deprived of his any lawful rights in getting a quarter. His case will be considered while allotting Type-V quarter whenever such quarter falls vacant.



परिचय इजाजत
Superintending Engineer
संयुक्त केन्द्रीय परिचय
Assam Central Circle,

De. पो. नि. वि. गुवाहाटी-20,
C. P. W. D., Guwahati-21.

7.

That with regard to the statements made in the paragraph X of the application, the Respondents beg to reiterate that the applicant was not eligible for

MS

64

allotment of quarter as already explained in Para-4 above.

8. That with regard to the statements made in the paragraph XI of the application, the Respondents beg to state that the Respondent No.4 was allotted Type-IV quarter as already detailed in Para-6 above. The course of action of the Respondent No.1 was rightly taken in accordance with the provisions of S.R. 317-B-5. It is denied that any discrimination was done against the applicant in this regard.

9. That with regard to the statements made in the paragraph XII of the application, the answering Respondents beg to state that the applicant is entitled to Type-V quarter only with his priority date as 26.2.96 as already mentioned in para - 3 above. His case of allotment of a Type - V quarter will be considered as and when any Type -V quarter is vacated, along with other wait listed applicants for that particular type quarter i.e. Type - V only. Therefore, the service seniority of the applicant for allotment of Type-V quarter is not at all consider-able in terms of S.R.

Handwritten signature

अधिष्ठाता इंजीनियर
Superintending Engineer
असम केन्द्रीय परिषद
Assam Central Circle,

ओ. पी. वि. वि. बहाली-01, 317-B-2 as annexed here as Annexure - I.
G. P. W. D., Guwahati-21.

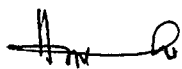
10. That with regard to the statements made in the paragraph XIII of the application, the answering respondents beg to state that the applicant has been

4/10

45

drawing his pay of Rs.3600/- p.m. (or above) with effect from 26.2.96 only which is the "Seniority" of the applicant for the purpose of allotment of Type-V quarter only, since he cannot be considered for allotment of lower category of quarter depriving other wait listed applicant of Type-IV category. The action of the Respondent No.1 was rightly taken by issue of allotment in favour of Respondent No.4

11. That with regard to the statements made in para XIV of application, the applicant had sent a FAX message to CE (NEZ)'s Office which was received on 16.8.96 in the after noon, whereas he had filed an application in CAT before 20.8.96 which was heard on 20.8.96 and interim order was issued by Hon'ble CAT to maintain status Quo. 17th and 18th August'96 being holidays, it will be observed that the Claimant did not give any reasonable time for consideration by the Office of Chief Engineer (NEZ) to whom he has represented. The applicant had therefore acted in utter haste and approached the Hon'ble CAT, Guwahati without exhausting the Official Channels available to him.



अपरिणत इञ्जीनियर
Superintending Engineer
असम केन्द्रीय परिमंडल
Assam Central Circle,
स. म. नि. नि. - गुवाहाटी-00,
S. P. W. D., Guwahati-21.
12.

12. That with regard to the statements made in the paragraph XV of the application, the answering respondents beg to state that the applicant is not at all eligible for allotment of this quarter (Type - IV) in terms of Rules and his application is malafide,


CS

4/5

devoid of merits and as such the application is liable to be dismissed with costs.

VERIFICATION

I, Shri A.K. Suri, Superintending Engineer concerned, being competent and authorised to file this written statement on behalf of the respondents Nos. 1, 2, 3 & 5 also do hereby verify that the contents of the above reply are true and correct to my knowledge based on official records. Legal submissions made therein are true upon legal advice received and believed to be correct. Nothing is false therein. Verified at Guwahati on this day of Sept^{23rd}, 1996.



DEPONENT

অসম কেন্দ্রীয়
Superintending Engineer
অসম কেন্দ্রীয় বরিশাল
Assam Central Circle,
O. P. O. সি. বি. গুৱাহাটী-২১.
O. P. O. Guwahati-21

296

Annexure I

478

bu
cc
cc
cc
re
th

***Division XXVI-B**

Allotment of residences under the administrative control of the Director of Estates to officers employed in eligible offices who are required to reside on duty in Delhi with the Government of India or the Delhi Administration.

Short title and application

S.R. 317-B-1. (1) The rules in this Division may be called the Allotment of Government Residences (General Pool in Delhi) Rules, 1963.

(2) They shall come into force on the 15th day of May, 1963.

Definitions

S.R. 317-B-2. In these rules, unless the context otherwise requires—

- (a) "Allotment" means the grant of a licence to occupy a residence in accordance with the provisions of these rules;
- (b) "Allotment year" means the year beginning on 1st January or such other period as may be notified by the President;
- (c) "Delhi" means the areas within the limits of the Union Territory of Delhi which the Government may declare as conferring eligibility for the allotment of general pool accommodation;
- (d) "Director of Estates" means the Director of Estates to the Government of India and includes an Additional, Deputy and Assistant Director of Estates;

*The rules in this Division apply to Bombay, Calcutta, Chandigarh, Faridabad, Madras, Nagpur and Simla Pool Accommodation also with minor changes. In respect of Chandigarh and Bangalore, the Director of Estates may, by general or special order in writing, delegate any power exercisable by him under these rules, to the Superintendent/Executive/Assistant Executive/Assistant Engineer, Central Public Works Department.

[G.L. Director of Estates, Notification No. F. 12033 (1)/69-Pol. (II), dated the 26th April, 1969 and No. 12033 (9)/73-Fol. II, dated the 29th August, 1974.]

1. Modified *vide* No. 12033 (4)/67-Pol. II, dated 11-2-1970.

(e) "Eligible office" means a Central Government Office the staff of which has been declared by the Central Government as eligible for accommodation under these rules;

(f) "Emoluments" means the emoluments as defined in F.R. 9 (21) (a) (i).]

EXPLANATION.—In the case of an officer who is under suspension the emoluments drawn by him on the first day of the allotment year in which he is placed under suspension, or, if he is placed under suspension on the first day of the allotment year, the emoluments drawn by him immediately before that date shall be taken as emoluments.

(g) "Family" means the wife or husband, as the case may be, and children, step-children, legally adopted children, parents, brothers or sisters as ordinarily reside with and are dependent on the officer;

(h) "Government" means the Central Government unless the context otherwise requires;

(i) "Priority date" of an officer in relation to a type of residence to which he is eligible under the provisions of S.R. 317-B-5; means the earliest date from which he has been continuously drawing emoluments relevant to a particular type or a higher type in a post under the Central Government or State Government or on foreign service, except for periods of leave in respect of Type V (A) to Type VIII accommodation, single and double room hostel accommodation, and the date from which he has been continuously in service under the Central Government or State Government including the period of foreign service in respect of Type I to Type IV accommodation, and accommodation in Working Girls' Hostel:

Provided that where the priority date of two or more officers is the same, seniority among them shall be determined by the emoluments, the officer in receipt of higher emoluments taking precedence over the officer in receipt of lower emoluments; where the emoluments are equal, by the length of service; and where both the emoluments and length of service are equal, on the basis of the scale of pay of the officer, the officer working in a post having higher scale of pay taking precedence over the officer in receipt of lower scale of pay.]

(j) "Licence Fee" means the sum of money payable monthly in accordance with the provisions of the Fundamental Rules in respect of a residence allotted under these rules;

(k) "Residence" means any residence for the time being under the administrative control of the Director of Estates;

1. Substituted vide G.I., M.U.D., Dir. of Estates, Notification No. 12033 (1)/86-Pol. II, dated 12-10-1987.

49

S.R. 317-B]

GOVERNMENT RESIDENCES

385

388

Classification
S.R. 317-B
below

Type of

(i) "Subletting" includes sharing of accommodation by an allottee with another person with or without payment of licence fee by such other person;

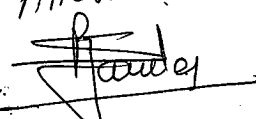
EXPLANATION.—Any sharing of accommodation by an allottee with close relations shall not be deemed to be subletting.

(ii) "Temporary Transfer" means a transfer which involves an absence for a period not exceeding four months;

(iii) "Transfer" means a transfer from Delhi to any other place or from an eligible office to an ineligible office in Delhi and includes a transfer or reversion to service under a State Government or Union Territory Administration other than Delhi office or organisation; and also deputation to a post in an ineligible office or organisation;

(iv) "Type" in relation to an officer means the type of residence to which he is eligible under S.R. 317-B-5.

Allotment to house

Attested


EEC (HQ)

অসম কেন্দ্রীয় পরিষদ

Assam Central Circle,

৩০ নং নি. বি. পুর্বাচলী-৪৬

C. P. W. D., Guwahati-26.

Classification of Residences

S.R. 317-B-5. Save as otherwise provided by these rules, an officer will be eligible for allotment of a residence of the type shown in the table below—

Type of residence	Category of officer or his monthly emoluments as on such date as may be specified by the Central Government for the purpose of the allotment year concerned
I	Less than Rs. 950
II	Less than Rs. 1,500 but not less than Rs. 950
III	Less than Rs. 2,800 but not less than Rs. 1,500
IV	Less than Rs. 3,600 but not less than Rs. 2,800
V (A)	Less than Rs. 4,500 but not less than Rs. 3,600
V (B)	Less than Rs. 5,900 but not less than Rs. 4,500
VI (A)	Less than Rs. 6,700 but not less than Rs. 5,900
VI (B)	Rs. 6,700 and above

Provided that where Type V and Type VI accommodation has not been classified as Type V (A) and Type V (B) and Type VI (A) and Type VI (B), all the officers eligible for Type V will be grouped together and those eligible for Type VI also grouped together:

Provided further that where accommodation higher than Type VI (B) is available, eligibility of allotment will be as follows:—

Type VII	Less than Rs. 8,000 p.m. but not less than Rs. 7,300 p.m.
Type VIII	Rs. 8,000 p.m. and above.

2. Hostel Accommodation—

Type of Hostel	Category of officer or his monthly emoluments as on such date as may be specified by the Central Government for the purpose of the Allotment Year concerned
Single room without kitchen	Rs. 2,000
Single room with kitchen	Rs. 2,000
Double room	Rs. 2,800

3. Working Girls Hostel.—All lady officers without limit of emoluments will be eligible.

Attested

[Signature]

EE (HQ)

प्रमुख केन्द्रीय पत्रमंडल

Assam Central Circrc.

०. नो. इन. वि. नं. हाटी-००,

P. W. D., Guwahati-०१.

Applications for Allotment

S.R. 317-B-6. (1) Every Government Officer in occupation of Government accommodation shall submit his application, in such form and manner and by such date, as may be specified by the Director of Estates in this behalf.

(2) In the case of officers not in occupation of Government accommodation, the Director of Estates shall invite applications in such form and manner and before such date as may be specified by him.

(3) An officer joining duty in Delhi on first appointment or on transfer may submit his application to the Director of Estates within a month of his joining duty.

(4) Applications received under sub-rule (3) on or before the 20th day of a calendar month shall alone be considered for allotment in the succeeding month.

Allotment of Residences and Offers

S.R. 317-B-7. (1) Save as otherwise provided in these rules, a residence, falling vacant, will be allotted by the Director of Estates preferably to an applicant desiring a change of accommodation in that type, under the provisions of S.R. 317-B-15 and if not required for that purpose, to an applicant without accommodation in that type having the earliest priority date for that type of residence subject to the following conditions:—

(i) The Director of Estates shall not allot a residence of a type higher than that to what the applicant is eligible under S.R. 317-B-5.

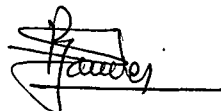
(ii) The Director of Estates shall not compel any applicant to accept a residence of a lower type than that to what he is eligible under S.R. 317-B-5.

(iii) The Director of Estates, on request from an applicant for allotment of a lower category residence, might allot to him a residence next below the type for which the applicant is eligible under S.R. 317-B-5 on the basis of his priority date for the same.

(2) The Director of Estates may cancel the existing allotment of an officer and allot to him an alternative residence of the same type or in emergent circumstances an alternative residence of the type next below the type of residence in occupation of the officer if the residence in occupation of the officer is required to be vacated.

(3) A vacant residence may, in addition to allotment to an officer under sub-rule (1) above, be offered simultaneously to other eligible officers in order of their priority dates.

Attested



E. E. CHOU

एसएम केन्द्रीय कार्यालय

Assam Central Circle,

उप-मो. वि. वि. गुवाहाटी-26,

C. P. W. D., Guwahati-26.

11. It may a
Govt. Serv
house of h
of his fami
posting or

10. Any of

9. Is mark
give of el

8. py

Annexure IV

MZ

12
52

To,
The Superintending Engineer,
Assam Central Circle,
C.P.W.D., BAMUNIMAIDAN,
GUWAHATI-781021.

Date: / /

Sub:-Application for allotment of Quarter
Type- V No. at Guwahati

Type V

Sir,

I am to request you to kindly allot me one Govt Quarter/
Hostel Accommodation as per entitlement on the basis of my
following particulars:-

- 1. Name of Govt. Servant :- P. C. JAIN
- 2. Designation :- Executive Engineer (Elect)
- 3. a) Emoluments as on 1.1.96 :- Rs 3,600/- p.m.
(Basic Pay)
- b) Date from which above emoluments are drawn or being drawn continuously (applicable in case of application for T-V quarters only) :- 1.12.94
- 4. Date of entry in Govt. Service :- 20.4.1962
- 5. Date of joining in the present station. :- 26.2.1996
- 6. Date of place of posting as per order of Posting :- 15.3.96 for Guwahati (Copy of order attached)
- 7. Is the application for change? If so give the details of accommodation which you are occupying now. :- No.
- 8. Is the application for Ear-marked Qrt. If so please give your full justification of eligibility. :- No
- 9. Any other important information:- I may be allotted Type IV Qr. if Type V is not available. Application for Type IV is also enclosed.
- 10. It may also be stated that the Govt. Servant does not possess a house of his own or in the name of his family in the station of posting or in the adjoining municipal area. :- No. I do not own any house in Self's name or any other family member's name in Guwahati or nearby localities.

Signature of applicant along with name of office CEEC, CPWD

Certified that above particulars have been verified and found correct.

Date:

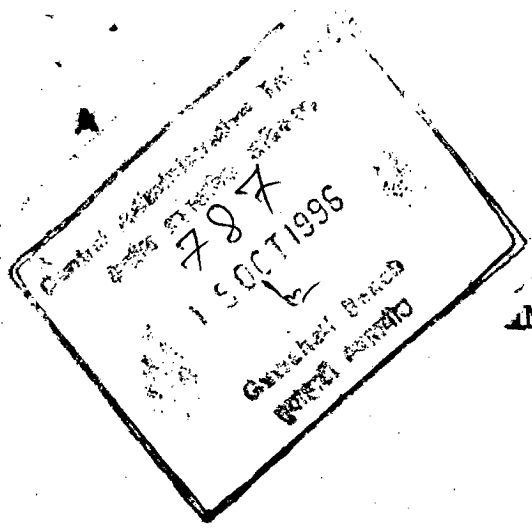
[Signature]
Assam Central Circle,
C.P.W.D. Guwahati-21,
D. No. 200

[Signature]
Name & Designation of Head of office Superintending Engineer (E) CEEC, CPWD Guwahati-21

NOTE

44

54



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI

OA 167/1996

Sri Padam Chand Jain

- Vs -

Union of India and Ors.

In the matter of :-

Rejoinder to the Written
Statements filed by the
Respondent No. 1 .

The applicant above named,

Most Respectfully Sheweth :-

1. That the applicant received a copy of the Written Statements and understood the contents thereof . The Statements which are not specifically admitted are deemed to have been denied by the deponent. The statements which are not supported by material on records shall also be considered to have been denied by the deponent.

Handwritten initials or signature.

Conted....2

2. That the applicant begs to state that his basic pay as on 1.1.96 was Rs. 3600 . According to the provisions of SR-317-B-7-(1) he was entitled for Type V quarter, if Type V quarters could not be allotted then the applicant would have a preference to have the Type IV quarter. Even if Type IV ^{quarter} was also not available then the applicant would be entitled for Hostel accommodation . So, far accommodation of Type V and Hostel ^{accommodation} are concerned allotment would be made on the basis of the basic Salary ^{and} so far allotment of Type IV is concerned, It would be based upon the total length of service in the Department. i.e. It would depend upon the date of entry in the service . It does not depend upon the Sweet will of the allotting authority . The power of discretion is not an arbitrary power. While exercising this power, the allotting authority should consider the date of entry of service of each claimants. The Senior most person shall be entitled to have the Type IV quarter . In the instant case, applicant is the senior most employee who joined in CPWD on 20.9.62 . So his claim will prevail upon others who are junior to him . The Respondents No. 1 is influenced by extraneous consideration- not material

for the instant case. He is under an erroneous impression that only persons drawing Salary ranging from ^{Rs.} 2800 to 3599 would be entitled for the Type-IV quarter. This is an error apparant on the face of the record. Had he not been influenced by this extraneous consideration, he would not have committed this mistake. Even at Guwahati also the department on earlier occasion allotted type-IV quarter to a person entitled for type-V quarter. One Shri P.D.Agnihotri, the then Executive Engineer(Elect.) GED-I having his basic Salary of Rs. 4500/- was allotted with a type-IV quarter though he was entitled for type-V quarter.

SR 317-B-2(i) specifically states that allotment of Type-I to Type-IV ^{quarter} would depend upon the "date from which he has been continuously in service under the Central Government". So, it is obvious that the applicant has a preferential right to have a Type IV quarter or any other Hotel accommodation. The applicant can easily be allotted with the Type IV quarter in question. The allottee, Mr. A.K.Daschoudhury Respondent No.4 himself refused to accept the Type-IV quarter allotted to him vide his letter dated 20-8-96 . A copy of the said application is also annexed hereto and marked as Annexure- F. In midst of this circumstances, why this Type IV quarter in question can not be allotted to the petitioner is best known to the Respondent No.1 . The applicant humbly begs to submit that the action of the Respondent No. 1 in refusing the allotment of quarter/ Hostel accommodation

S
C
D
S

to the applicant is absolutely baseless. It is also capricious, arbitrary and not at all tenable in the eye of law. The applicant applied for allotment of quarter vide his application dt. 21-3-96 & 17-6-96. By these applications he specifically requested the concerned authority to allot him a Type-IV quarter / or any Hostel accommodation. This application was in accordance with the provisions of SB-317-B-7(i)(iii). There was no irregularity or illegality in the application filed by the applicant. The Respondent never refuted the claim of the petitioner on his applications of dt. 21-3-96 & 17-6-96 that he is not entitled for one type below i.e Type-IV Quarter. Action of the Respondent No. I is absolutely illegal and the applicant humbly begs to submit that it is a fit case where this Honorable Tribunal may be pleased to direct the Respondent to allot the quarter No. IV/45 to the applicant or any further order or orders as this Hon'ble Court may deem fit and proper.

Y
C
D

5 48 58

VERIFICATION

I, Sri Padam chand Jain Son of Late Sri Mehar Chand Jain, ~~54 years~~ aged about 54 years resident of Panbazar ,Guwahati-1 Dist:Kamrup,Assam do hereby affirm to state that statements made in Paragraphs on P1 to 4 in the rejoinder are true to my knowledge and I signed in this Verification on 15th this day of October'1996 at Guwahati.



Deponent

To
The Superintending Engineer
Assam Central Circle
C.P.W.D. Guwahati - 21.

(Through Proper Channel)

Sub : Allotment of Residential Govt. Quarters No. Type- IV- 45 at Japarigog
to Shri. A.K. Das Chowdhury ASW(E).

Ref: Your O.M. No. 12(3)/ACC/GS/1684 dated 16.8.96 .

.....

Sir

I thank you for allotting me the Govt. Qtrs. No. Type- IV/45 vide your above mentioned order in reference to my application dated 27.3.96 when I did not have any Govt. Residl. accommodation under my possession. Since now TFSH / I (G.F.) is under my possession w.e.f. 15.4.96 vide your O.M. No. 12(3)/ACC/GS/617 dated 15.3.96, I Shri. A.K. Das Chowdhury ASW(E) inform you that I don't like to accept the allotment of Govt. Qtrs No. Type- IV/45 as allotted vide your above O.M. But I have applied for a change ^{from} TFSH- 1 (G.F.) to TFSH-6 (2nd floor), as vacated by Shri. S.K. Banerjee ASW(O) on 31.7.96, vide my application dated 31.7.96 forwarded to you by the Executive Engineer (E) Guwahati Elect. Divn. No.I, CPWD Guwahati No. 1(1)/GEDI/2828 dated 1.8.96 and also vide my application for change in the upper floor of TFSH dated 27.3.96, The request for a change in the upper floor was also made in my acceptance letter for Qtr No. TFSH-1(G.F.) vide letter dated 27.3.96 copy of which was endorsed to all concerned please.

I therefore , pray to you to cancell the allotment order No. 12(3)/ACC/GS/1684 dated 16.8.96 for Type IV/45 at Japarigog and allot me (change allotment) TFSH Shaktik Hostel No. 6 (vacated by Shri. S.K. Banerjee ASW(O) and oblige.

Thanking you.

Yours faithfully,

Dated: Guwahati
the 20th August '96.

(A.K. Das Chowdhury)
ASW(E), GEDI, C.P.W.D.
Bamunimaidan, Guwahati-21.

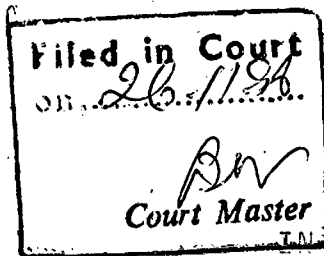
Copy to :

1.

The Superintending Engineer(EL) Guwahati Central Elect. Circle
C.P.W.D. Guwahati - 21 for information please.

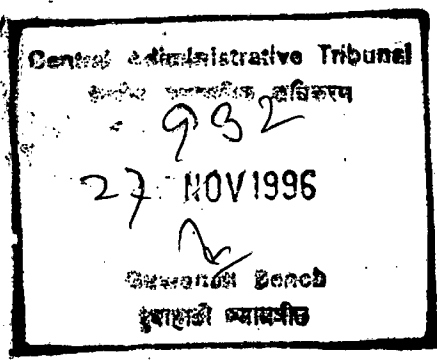
(A.K. DAS CHOWDHURY) 20.8.96

Shri. A.K. Das
Chowdhury



Filed by
A. P. Choudhury
ADD. Secy. to
Standing Com.
26-11-96

THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI BENCH
GUWAHATI



In the matter of :-
O.A. No. 167 of 1996
Shri P.C. Jain ... Applicant
-Versus-
Union of India Respondent

In the matter of :-

Addl. written statement for and on behalf of the
Respondent Nos. 1, 2, 3, & 5.

The Respondents beg to state as follows :-

1) That the applicant is not eligible for Type-IV
quarter as already mentioned in paragraph-2, 3 and 4 & the
কোনো কোনো written statements submitted before the
Hon'ble Tribunal

Shri P.D. Agnihotri, Executive Engineer (Elect.)
Guwahati Central (E) Division No. I, CPWD; Guwahati was allotted
a quarter, which being earmarked for Executive Engr. (Elect.)
Guwahati Central (E) Division No. I, and is reserved for essential
Maintenance staff. Basic salary as mentioned by the
applicant is not a criteria for quarter earmarked for essential
staff for Maintenance. ~~কি~~ This quarter being earmarked is
only being allotted to Executive Engineer ("Electrial) Guwahati
Central Elect. Division No. I, CPWD ; Guwahati, after this
quarter was vacated by Shri P.D. Agniho-tri, Executive Engineer
(Elect.), on transfer, it was allotted to his successor since
it was a earmarked quarter. As such there was no irregularity
in allotment of this quarter. A copy of the office memorandum
dated 12-10-90 is annexed hereto and marked as Annexure-A.

2) That the applicant is not aligible for Type-IV quarter
as already brought out above. As such there is no question of
preferential right as claimed by him.

3) That the applicant is only considered for allotment on
applications made by him for which he is eligible.

Am
@Am
A.W.
26-11-96

Superintending Engineer,
Assam Central Circle,
CPWD, Gauhati-781021

4) That Type-IV quarter was allotted to Shri A.K. Das Choudhury, Assistant Surveyor of Works (Electrical) vide this office allotment order No.12(3)/ACC/GS/1684, dated 16-8-96, since he was also a applicant for the same and was eligible for allotment. Shri P.C. Jain, Executive Engineer (Elect.) (H.Q.)/Guwahati Central Electrical Circle, CPWD ; Guwahati had filed an application in the Hon'ble Central Administrative Tribunal, Guwahati. The Hon'ble Central Administrative Tribunal, Guwahati on hearing on 20-8-96 had directed the Respondents to maintain Status-quo pending disposal of his application. Shri A.K. Das Choudhury, Assistant Surveyor of Works (Elect.) had refused to accept the allotment of the Type-IV quarter allotted to him by his letter No. Nil, dated 20-8-96. The Hon'ble Central Administrative Tribunal, Guwahati had directed the Respondents to maintain Status quo in the hearing on 20-8-96 which was maintained.

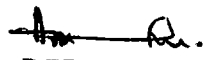
5) That the contentions of the Applicant that he is entitled for Type-IV quarter has already been denied in our written statement.

6) That since the applicant Shri P.C. Jain, Executive Engineer(Elect.) (H.Q.) Guwahati Central Electrical Circle C.P.W.D. Guwahati was eligible for Type ~~III~~ ^{V A Q} quarter, therefore he was never informed that he can be considered for Type-IV Qr.

V E R I F I C A T I O N

I, Shri A.K. Suri, Superintending Engineer concerned, being competent and authorised to file this written statement on behalf of the Respondents Nos.1,2,3, & 5 also do hereby verify that the contents of the above reply are true and correct to my knowledge based on official, records.

I sign this Verification on this the 25th November, /96 at Guwahati.


DEPONENT

**Superintending Engineer,
Assam Central Circle,
CPWD, Gauhati-781021**

3 Annexure A (22)

Government of India
Central Public Works Department

Dated Guwahati, the 12/11, 1990.

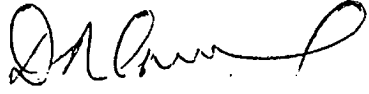
No. 12(3)(1)/ACC/GS

OFFICE MEMORANDUM

In terms of Allotment of Govt. Residence (Under the Control of the C.P.W.D.) Rule, 1981, the following Quarters are hereby declared earmarked with immediate effect :-

- | <u>Quarter No.</u> | <u>To Whom earmarked</u> |
|----------------------------------|--|
| 1. Type-IV/46 of Japrijog Colony | The Executive Engineer,
Gauhati Central Division,
C.P.W.D., Guwahati. |
| 2. Type-IV/48 of Japrijog Colony | The Executive Engineer, (El.),
Gauhati Electrical Division
No. - I, C.P.W.D.,
Guwahati. |

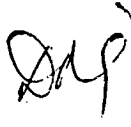
Formal allotment will, however, be issued by this office to the concerned Executive Engineers on their written application.


/c (ER. D.P. GOYAL)
Superintending Engineer,
Assam Central Circle, Central P.W.D.
Guwahati - 781 021.

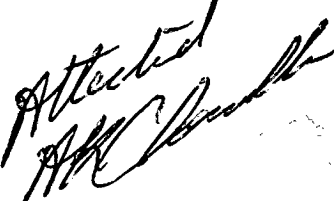
D 12/10

Copy to :-

1. The Executive Engineer, Gauhati Central Division, C.P.W.D., Guwahati.
2. The Executive Engineer (El.), Gauhati Electrical Division - I, C.P.W.D., Guwahati.
3. The Superintending Engineer, Assam Central Circle, C.P.W.D., Guwahati.


/c SUPERINTENDING ENGINEER

D 12/10

Affected


Filed by:-
Sri Padamchand Jain
Through
Atul Chandra
Advocate
11/12/96

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
976
11 DEC 1996
अवकाश नोचि
11/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI

OA 167 / 1996

Sri Padam Chand Jain - Applicant

- VS -

Union of India and others - Respondents

In the matter of

Additional Rejoinder to the
Additional Written Statement
Filed by the Respondent No 1

The applicant above named

Most Respectfully sheweth :

1. That the applicant received a copy of the additional written statement on 26-11-96 and understood the contents thereof. The Statements which are not specifically admitted are deemed to have been denied by the deponent. The statements which are not supported by material on records shall also be Considered to have been denied by the deponent.

1/12

Recd copy
Atul Chandra
Advocate
11/12/96

2. That the applicant begs to state that it has been stated by the Respondent vide Para 6 of the Addl. written statement Filed on 26.11.96 that the applicant is entitled for Type-V quarter but the fact of the case is that there is no Type-V quarter available for allotment to the applicant at Guwahati. There are only three no Type-V quarters and at present there are three Post of Superintending Engineers at Guwahati who are of higher scale than the applicant and under the circumstances even on vacation of any T-V quarter in future the same can not be made be available ^{to} him as he will always be Junior in pay scale. The Respondent has thus kept in dark intentionally ^{the} Hon'ble Tribunal about the fact that there is no Type-V quarter available for allotment to the applicant.

3. That the applicant is also entitled for Type-IV quarter on the basis of his seniority and pay scale as contemplated under SR-317-B-7(i)(iii). Why this aspect of the case is being deliberately avoided is best known to the Respondent.

4. That the Respondent is absolutely silent on allotment of Hostel accommodation to Officers as per SR-317-B-5. The applicant has brought out to the notice of Hon'ble Tribunal vide para 2 of his rejoinder filed on 17.10.96 that he is also entitled for Hostel accommodation as per SR. But the fact of the case is that the application for allotment of the Hostel accommodation from Executive Engineers are not entertained by the Respondent for the reasons best known to him and thus the right of allotment of Hostel Accommodation to the Executive Engineers is denied.

YCB

5. That it has been stated by the Respondent vide para 2 on page-2 of his written statement filed on 27.9.96 that "At Guwahati the allotments are done as per guidelines given in supplementary Rules". But the fact of the case is that they are not being followed in right direction. There is no Type-V quarter available for the applicant at Guwahati. The applicant is also entitled for Type-IV quarter, but he is being deprived of his right to have Type-IV quarter and allotment of Hostel Accommodation is also denied to the applicant. Under these circumstances, the category of Officers like the applicant will never get a quarter during their life time at Guwahati. On the contrary the quarters have been earmarked for different category of Officers such as Superintending Engineers & Executive Engineers ^{etc.} though it is not provided in the Supplementary Rules which proves that different rules are followed for some and different for others.

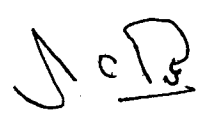
6. That the applicant humbly begs to submit that it is a fit case where this Hon'ble Tribunal may be pleased to direct the Respondent to allot the Quarter No.T-IV/45 to the applicant which was allotted to Shri Das Choudhury, Respondent No.4 and who has refused to accept its allotment and is lying vacant or any further order or orders as this Hon'ble Tribunal may deem fit and proper.

ScD

4

VERIFICATION

I, Sri Padam Chand Jain Son of Late Sri Mehar Chand Jain aged about 54 years resident of Panbazar Guwahati-1 Dist. : Kamrup, Assam do hereby affirm to state that statements made in Paragrapahs 1 to 6 on P-1 to 3 of the additional rejoinder are true to my knowledge and I signed in this Verification on this ^{4th} day of December 1996 at Guwahati.



Deponent