

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 3314/2017

Reserved on 03.07.2018

Pronounced on 17.07.2018

Hon'ble Mr. S.N.Terdal, Member (J)

S.K.Ganjoo (Retired Gr. 'C') (Aged about 61 years)

S/o Late Shri P.N.Ganjoo,

R/o B-14/291, Himgiri Apartment,

Sector-34, Noida (UP)-201307.

... Applicant

(By Advocate: Mr. Basab Sengupta and Mr. R.S.Gill)

VERSUS

1. The Chairman & Managing Director,
Mahanagar Telephone Nigam Ltd.(MTNL),
Mahanagar Doorsanchar Sadan-9,
CGO Complex, Lodhi Road,
New Delhi-110003

2. The Executive Director,
MTNL,
K.L.Bhavan, Janpath,
New Delhi-110050.

3. The General Manager (Admn.),
MTNL,
K.L.Bhavan, Janpath,
New Delhi-110050.

... Respondents

(By Advocate: Mr.Ajay Pal Singh)

ORDER

Heard Shri Basab Sengupta, counsel for the applicant and Shri Ajay Pal Singh, counsel for the respondents, and perused the pleadings and all the documents produced by both the parties.

2. The relevant facts of the case are that the applicant sought relief for retention of the Government accommodation after retirement on payment of normal licence fee till the conditions in Kashmir become conducive to return to Kashmir on the basis that he is kashmiri migrant entitled under the judgment of the Hon'ble High Court of Delhi in the case of **P.K.Koul Vs. Estate Officer** on 30.11.2010 in Writ

Petition (C) No. 15239/2004. However, the said judgment only relates to Kashmiri Pandits who were representing the Central Government in Kashmir Valley in Intelligence Agencies, Paramilitary and Defence Services, Government Media and had become prime targets for militants to the extent that lists of persons who had to be targeted were published and circulated in the locality and family members and friends of such persons had also been killed and their properties destroyed for the message to permeate. Further such persons were evacuated from the Kashmir Valley on emergency basis to protect their lives and posted in Delhi and provided Government accommodation in Delhi on priority basis. The crux of the said judgment, as stated above, is restated in para 6 of the judgment delivered by the Hon'ble High Court of Delhi on 21.07.2015 in Writ Petition (C) No.6875/2015 titled **Ravinder Kumar Wali Vs. Union of India & Ors**, reported in 2015 SCC online Del 10765. The para 6 of the said judgment reads as under:-

'Be that as it may, in my opinion, the judgment of the learned Single Judge in P.K.Koul (supra), on which the claim of the petitioner is based and which was reaffirmed with certain modifications by the Division Bench, has no application to the matter in controversy and the petitioner cannot claim to be similarly placed as the petitioners in that case. The petitioners before this Court in P.K.Koul (supra) though undoubtedly Kashmiri Pandits but were representing the Central Government in the Kashmir Valley in Intelligence Agencies, Paramilitary and Defence Services, Government Media and had become prime targets for the militants to the extent that list of persons who had to be targeted were published and circulated in the localities; family members and friends of such persons had also been killed and their properties destroyed for the message to permeate. It was as a result thereof that the said persons were evacuated from the Kashmir Valley on emergency basis to protect their lives and were posted in Delhi and since they did not have any accommodation in Delhi, were provided government accommodation on priority basis. However, after the said persons reached the age of superannuation, they were required to vacate the government accommodation and which lead the aforesaid petitions being filed. What lead the Single Judge and the Division Bench to allow the said persons to retain the said accommodation was the threat to the said persons and

their family members attributable to the service which they were rendering for the government and which had resulted in their evacuation from the Kashmir Valley.”

3. The applicant is not similarly situated as those mentioned in the said judgment. The applicant was appointed in MTNL. He was never targeted by any militant. He himself applied on request transfer in 1994 from Jammu to Delhi and he was allotted official accommodation only in 2009 and after retirement he has filed an application for retention of the quarter for six month and later on for 4 months. In those applications for retention also he has not stated anything regarding, he being affected person similar to those who have been given relief by the Hon’ble High Court.

4. In view of the above facts of this case, the applicant is not entitled for the relief prayed for. Accordingly, OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

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