

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00576/2018

Dated Tuesday the 15th day of May Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

George Mathan,
Judicial Member,
Income Tax Appellate Tribunal,
Chennai Benches, Chennai.
Residential Address : House No. 71/1,
CPWD Quarters, GPRA Campus,
Tirumangalam, Chennai 600040.Applicant

By Advocate M/s. V. Vijay Shankar

Vs

1. The Director of Estates,
Ministry of Urban Development,
Nirman Bhavan,
26, Haddows Road,
Nungambakkam,
Chennai 600006.
2. The Asst. Estates Manager (Chennai),
First Floor, Shastri Bhavan,
26, Haddows Road,
Nungambakkam,
Chennai 600006.Respondents

By Advocate Mr. V. Chandrasekaran

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To direct the 2nd respondent to allot the applicant the Type V Quarters House No. 41/4, First Floor, New Besant Nagar, House I.D. 102488, within a stipulated period of time and pass such other orders as may be deemed fit and render justice.”

2. Learned counsel for the applicant submits that the applicant is a serving Judicial Member of the Income Tax Appellate Tribunal, Chennai Bench. The applicant is entitled to Type VI accommodation. However, the applicant sought allotment of a lower type keeping in view his choice of place. He made Annexure A1 representation dt. 15.02.2018 to the Directorate of Estates in this regard. He received Annexure A2 reply dt. 11.04.2018 to the effect that a person who is entitled for Type V and above accommodation shall also be eligible to apply for accommodation below their entitlement subject to the condition that such accommodation shall not be below Type-IV (Spl) accommodation. He was accordingly directed to apply for Type V accommodation at Besant Nagar, Chennai.

3. Following the communication, the applicant attempted to apply

for Type V accommodation at Besant Nagar, but his application was not accepted online for reasons not known to the applicant. Attention is drawn to Annexure A6 print out of the Automated Allotment System under which the applicant's name figures at Serial No. 1 in the category of "CHANGE". While the applicant was not allotted Type V accommodation during the month of April and the one identified by him was allotted to some other person, it is apprehended that a similar situation will arise for the current month also as the applicant is again unable to apply online. It is submitted that according to the information available online, five houses are vacant, four in Besant Nagar and one at Haddows Road. The applicant had indicated his preference for Block 41, House No. 4, 1st floor in Besant Nagar and his claim would be defeated if it is again allotted to another claimant. Accordingly, an interim order is sought for the respondents to consider his application off-line.

4. Mr. V. Chandrasekaran who appears for the respondents submits that the respondents would endeavour their best to accommodate the applicant in the accommodation sought by him.

5. As a *prima facie* case is established that the applicant is the senior most claimant for Type V accommodation and keeping in view the assurance of learned counsel for the respondents, the respondents are directed to consider the applicant's claim off-line accordingly and

pass necessary orders. In the meantime, the said residential quarters shall not be allotted online to any other person without the leave of the Court.

6. OA is disposed of with the above direction at the admission stage.

**(R. Ramanujam)
Member(A)
15.05.2018**

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