

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 13th day of December Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/724/2017

R. Krishnamoorthy
S/o. Late B. Raju,
1066/9, Type-II Quarters,
Muneeswaran Avenue,
Old Aruvankadu, CF Estate,
Aruvankadu- 643 202,
The Nilgiris.

....Applicant

(By Advocate: M/s. Ayyar & Iyer)

Versus

Union of India- Rep by
The General Manager
Cordite Factory,
Aruvankadu- 643 202.
The Nilgiris.

...Respondents

(By Advocate: Mr. K. Ramasamy)

O R A L O R D E R

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

Heard. Applicant has filed this O.A. seeking the following relief:-

"to call for all records pursuant to the impugned proceedings issued by the Respondent bearing No. 03/Y/Qtrs dated 08.03.2017 and quash the same as arbitrary, discriminatory, unconstitutional, without application of mind, unjust, perverse and non-speaking and direct Respondent to allot dwelling accommodation of Qtrs No. 575/8 (Type-II), Mariamman Avenue, being the choice of the employee i.e. the applicant herein and the Respondents is stopped from withdrawing their assurance contained in order No. 4/EY/Med. Alt dated 19.08.2015 and quash the re- appropriation of said quarters into ladies accommodation made on extraneous consideration and substitute the applicant's dwelling house situated in the second floor OR the Qtr No. 580/5 (Type-II) – first floor Mariamman Avenue, may be allotted and appropriated into ladies hostel- considering the arthritis ailment of the applicant's mother thus render justice and it is also prayed further to pass any such order or directions that may deem fit in the facts and circumstances of the case and thus render justice."

2. It is submitted that the applicant is in occupation of a family accommodation allotted by the respondent in the second Floor of Type-II Quarters No. 1066/9. The applicant's mother has been suffering from Rheumatoid Arthritis since 2011 and undergoing treatment in the KG

hospital. During 2014, she underwent treatment for total abdominal hysterectomy and she is facing extreme physical hardship to climb up and down the stairs leading to the second floor. Accordingly, the applicant sought a dwelling accommodation in the ground floor on health grounds of his ailing mother.

3. The applicant was informed by Annexure -A/3 letter that it had been decided that illness of his parents and other members of the family, would be considered for preferential allotment of quarters at Old Aruvankadu area. Accordingly, the medical committee had also recommended his case for allotment of a ground floor accommodation in the said area as and when such accommodation fell vacant. The applicant was also informed by Annexure-A/8 letter dated 6.10.2016 that he was being considered for allotment of quarters No. 575/8, Type-II and his willingness was sought in writing so that the same could be allotted to him.

4. The applicant submitted his willingness for the above quarters shortly thereafter. However, the respondents have not allotted accommodation to him till date. The applicant made a representation dated 27.1.2017 regarding his grievance which was replied to by Annexure-A/17 letter dated 08.03.2017 in a cryptic manner intimating the applicant that the decision of re-appropriation of quarters 575/8, Type-II into Ladies' Hostel was final and could not be considered for allotment to any individual.

5. Learned counsel for the applicant would submit that the applicant continued to reside in his 2nd floor accommodation and the respondents are dragging their feet by not filing a reply to this O.A of which notice was taken by the counsel for the respondent on 09.05.2017 itself. In the meantime, the above accommodation continues to remain vacant. Accordingly, he prays for an appropriate relief.

6. I have considered the matter. It is seen that reply has not been filed in the matter despite the fact that a period of over 18 months has elapsed. It is also informed that the quarters No. 575/8, Type -II is still vacant and has neither been allotted to the applicant nor converted into Ladies Hostel. As the respondents appeared to have assured the applicant earlier that he would be allotted the said ground floor accommodation, taken his willingness also and till date he has not been provided with any alternative ground floor accommodation, the respondents are directed to either allot the said accommodation to the applicant or consider allotment of any other ground floor accommodation to the applicant. A reasoned and speaking order shall be passed by the competent authority within a period of six weeks from the date of receipt of a copy of this order.

7. O.A. is disposed of in the above terms. No order as to costs.

(R. RAMANUJAM)
MEMBER (A)

13.12.2018

Asvs.