
(2015) 04 MEG CK 0004
In the Meghalaya High Court
Case No : Writ Petition(C) No. 27/2015

Union of India and Others

APPELLANT

Vs

Lekh Bahadur Thapa

RESPONDENT

Date of Decision : 07-04-2015

Acts Referred:

Citation : (2015) 04 MEG CK 0004

Hon'ble Judges : Sudip Ranjan Sen, J.;T. Nandakumar Singh, J.

Bench : Division Bench

Advocate : S.C. Shyam, Senior Advocate and B. Dev, for the Appellant; R. Gurung, Advocates for the Respondent

Final Decision : Disposed off

Judgement

T. Nandakumar Singh, J.—Heard Mr. SC Shyam, learned senior counsel assisted by Mr. B Dev, learned counsel for the petitioners and Mr. R Gurung, learned counsel for the respondent.

2. By this writ petition, the petitioners are assailing the order of the Central Administrative Tribunal dated 16.03.2014 allowing the Original Application No. 040-000090 of 2014 filed by the respondent by granting the limited relief to the extent that "the respondent authority not to vacate the applicant (present respondent) from the quarter in view of the transfer from Umroi to Shillong".

3. The fact sufficient for deciding, the matter in issue, in the present writ petition is noted. The respondent was appointed as Blacksmith in the office of the Assistant Garrison Engineer (I), Umroi Military Station on 17.05.1983 and eventually, he was promoted to the post of SH (I). Admittedly, the respondent was allotted the quarter (quarter-in-question) while he was working in the post of SH (I) at Umroi Military Station. It is stated that due to exigency, the respondent was transferred vide order dated 01.02.2014 from Umroi Military Station to the office of the Garrison Engineer, Shillong. Pursuant to the transfer order dated 01.02.2014 vide impugned letter dated 17.02.2014, the respondent

had been asked to vacate the Govt. quarter at Umroi Military Station. Being aggrieved by the transfer order dated 01.04.2014 and the impugned letter dated 17.02.2014 asking the respondent to vacate the quarter occupied by him, he approached the Central Administrative Tribunal, Guwahati Bench by filing Original Application No. 040-000090 of 2014. The said Original Application No. 040-000090 of 2014 was disposed of by the tribunal by passing the impugned order dated 06.03.2014. At the time of motion hearing of the said Original Application No. 040-000090 of 2014, learned counsel for the respondent clearly stated that as the multiple prayers are not permissible under Rule 10 of the CAT (Procedure) Rules, 1987, the respondent restricted the prayer in the Original Application No. 040-000090 of 2014 only to the impugned letter dated 17.02.2014 directing the respondent/applicant to vacate the quarter occupied by him at Umroi Military Station. Therefore, it is clear that the present respondent is not questioning or assailing the transfer order dated 01.02.2014 for transferring him from Umroi Military Station to the office of Garrison Engineer, Shillong.

4. The further case of the respondent is that under the policy decision of the Central Govt., which is followed by the petitioners that the Central Govt. employees serving in the State of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh, Mizoram, Sikkim and Union Territories of Andaman and Nicobar, who desire to keep their families at the last place of their posting will be eligible to retain entitled type of accommodation on payment of flat rate/normal licence fee. The respondent desires to retain the quarter allotted to him at his last place of posting and it is also the further case of the respondent that the said concession would also be admissible to the Govt. servant transferred from one State to another in the North East Region. The learned tribunal passed the impugned judgment and order dated 06.03.2014 that the respondent under the said policy decision of the Central Govt., which is followed by the respondents/petitioners, is entitled to retain the quarter-in-question allotted to him in his last place of posting. Mr. R Gurung, learned counsel for the respondent submits at the Bar that after the respondent had been transferred from Umroi Military Station to the office of Garrison Engineer, Shillong, no quarter is allotted to the respondent at Shillong. Mr. SC Shyam, learned senior counsel appearing for the petitioners also submits at the Bar that until and unless instruction is received, he cannot answer the question as to whether the respondent is allotted new quarter at Shillong after the transfer order dated 01.02.2014.

5. In the above factual backdrop, this writ petition is disposed with the direction that the respondent may not be vacated from the said quarter at the last place of posting i.e. Umroi Military Station till new quarter at Shillong is allotted to the respondent. The impugned order dated 06.03.2014 passed in Original Application No. 040-000090 of 2014 is modified to the extent indicated above.

6. Writ petition is disposed of with the above directions.