

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

23.

O.A. No. 291 of 2012

Col Suresh Singh

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

With OA Nos.287/2012

OA No.288/2012

OA No.289/2012

OA No.290/2012

For petitioner: Mr. S.S. Pandey, Advocate.  
For respondents: Mr. Mohan Kumar, Advocate (OA No.291/2012)  
Mr. R. Balasubramaniam, ASG (OA No.287/2012)  
Mr. Ajai Bhalla (OA No.288/2012)  
Mr. J.S. Yadav (OA No.289/2012)  
Mr. Dilip Mehra (OA No.290/2012)

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.  
HON'BLE LT. GEN. M.L. NAIDU, MEMBER.

ORDER  
24.08.2012

1. All these petitions involves similar question of law and facts, therefore, they are disposed off by this common order. For convenient disposal of all these petitions, OA No.291/2012 Col Suresh Singh is being taken as the lead case for consideration.
2. The petitioner in the present case was enrolled in the Indian Army in 1985. He was performing the duties of Director, OS (Missiles) for two years before proceeding on Study Leave. The applicant applied for and granted 24 months Study Leave starting from 16.07.2012 as per the laid down rules and regulations on the subject. Prior to applying for Study Leave, the applicant

was serving as Colonel in MGO's Branch and he applied for Study Leave, which was granted to him.

3. The question is with regard to the residential accommodation of the petitioner during Study Leave. At present he is having a Government accommodation but once he is sent for Study Leave, he has been attached with the HQ Delhi Area for the purpose of allotment of accommodation. Petitioner prayed that he be allowed to retain the present accommodation.

4. Notice was issued to the respondents and Learned counsel for the respondents Mr. R. Balasubramanian, ASG after taking instructions from the respondents submitted that applicant can be given an hired accommodation and they will be allowed to continue in the present accommodation till the hired accommodation is made available to them. He further submits that their stay will be regularised and they will apply to HQ Delhi Area as per the provisions of policies dated 21.10.2011 and 29.04.1999 applicable on the subject.

5. Learned counsel for the petitioners submits that the petitioners are not interested to have a hired accommodation and they will wait for their turn as per policy letters dated 21.10.2011 and 29.04.1999. The offer given by the respondents is not acceptable to the petitioners.

6. Let these petitioners may apply as per the policies of 21.10.2011 and 29.04.1999 and they will be considered for allotment of accommodation as per these policies and other policies applicable on the subject.

7. All the above mentioned petitions stand disposed off accordingly. No order as to costs.

**A.K. MATHUR**  
**(Chairperson)**

**M.L. NAIDU**  
**(Member)**

**New Delhi**  
**August 24, 2012**  
Ns