

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

3.

OA 233/2025

Sub M -Tech (NW)

Shashi Bhushan Prasad Singh Applicant

Versus

Union of India & Ors. Respondents

For Applicant : Mr. S S Pandey, Advocate

For Respondents : Mr. Niranjana Das, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
06.02.2025

Invoking the jurisdiction of this Tribunal u/s 14, the applicant has filed this petition and the prayer made in para 8 alongwith the interim relief prayed for in para 9 reads as under:

- (a) *Call for the entire record based on which the Respondents have passed the impugned letters of allotment of government accommodation at P-66/31 Chherring Enclave, Delhi Cantt dated 11.09.2024 and impugned order dated 01.10.2024 and 22.10.2024 vide which order was passed to levy demurrage charges against the Applicant was issued and thereafter quash the same;*
- (b) *Direct the Respondents to substitute the accommodation given to the applicant at P-66/31 Chherring Enclave, Delhi Cantt to any accommodation at Kabul Lines, Delhi Cantt as being allotted to the other individuals who are posted in the field area as Government Separate Family Accommodation in Kabul Lines, Near Sadar Bazaar, Delhi Cantt considering the Applicant's peculiar circumstances.*
- (c) *Pass any other order/orders as deemed appropriate by this Hon'ble Tribunal in the facts and circumstances of the present case.*

In the Interim: The Respondents have issued the allotment letter dated 11.09.2024 without considering the safety and academic as well as sports requirement of the daughter of the applicant and further have issued the

orders for collecting demurrage charges for non eviction of 47/4, Kabul Lines, Near Sadar Bazaar, Delhi Cantt vide order dated 01.10.2024 and 22.10.2024 may be kept in abeyance and Direct the Respondents to allow the Applicant to retain P-47/04, Kabul Lines, Delhi Cantt accommodation without any fine/penalty/demurrage charge till the separate Family Accommodation at Kabul Lines Delhi Cantt is allotted or till the final adjudication of the matter on merits by this Hon'ble Tribunal.

2. The facts indicate that the applicant is aggrieved by the allotment of government accommodation to him. It is his grievance that by the Impugned Order, the applicant has been allotted a particular quarter i.e. government accommodation at P-66/31, Chhering Enclave, Delhi Cantt without considering the request of the applicant to grant him government accommodation at Kabul Lines, Delhi Cantt as requested for by the applicant and his wife through various applications/representations on account of certain compassionate reasons which included education of children, safety of children and the fact that the applicant's child is a budding sportsperson, won medals at various KVS National Sports Meet and it would be convenient for the child to attend to sports activities alongwith her academic activities, if they are allotted a quarter in Kabul Lines.

3. Learned counsel for the respondents have indicated that looking to the posting of the applicant, his entitlement, the allotment of quarter has been done in accordance to the policies of allotment and the department's administrative requirements .

4. Except for indicating his family and personal difficulties in moving to the allotted quarter, the applicant has not indicated

any Statutory Rules, Regulations or violation of policy. On the contrary, learned counsel for the respondents argues that as per the entitlement of the applicant and the policy in vogue the applicant has been allotted an appropriate quarter within Delhi itself and his request could not be acceded to on account of the administrative constraint.

5. In our considered view the personal difficulties expressed by the applicant in the matter of allotment of quarter cannot be a ground for this Tribunal to invoke its jurisdiction and interfere in such an administrative or executive decision. Merely on the basis of the inconvenience of the applicant, jurisdiction to a Statutory Tribunal to interfere with these kinds of matters would arise only if, Statutory Rules or Regulations are shown to be violated or malafide established. None of the aforesaid circumstances are made out in the facts and circumstances of the case. That being so, we are not inclined to interfere into the matter, instead, we deem it appropriate that the Station Commandant of the Stn HQ, Delhi Cantt, respondent No. 4 may look into the grievance of the applicant, evaluate it in the backdrop of the policies and administrative consideration and pass appropriate order on the representations of the applicant within a period of one month from the date of receipt of this order. We may indicate that we have not expressed any opinion on the merits of the allegations made by the applicant in the matter and it is for the Competent Authority, respondent No. 4 to take a decision based on

administrative consideration and other requirements in connection with the issues. With the aforesaid, the application stands disposed of.

6. Let a copy of this order be given 'DASTI' to both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C.P. MOHANTY]
MEMBER (A)

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