

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9856 OF 2015**

Shri S. K. Behera

..Petitioner

Vs.

Union of India

Ministry of Defence through

Rear Admiral Superintendent

..Respondent

Mr. S. K. Behera the Petitioner present

Mr. Y. S. Bhate a/w Mr. M. S. Bhradwaj for the Respondent

CORAM : R. M. SAVANT, J.

DATE : 21st NOVEMBER, 2016

P.C.

1 The order dated 15-9-2015 passed by the Admiral Superintendent is taken exception to by way of the above Petition. By the said order, the Petitioner is directed to be evicted from the official quarters being Block No.160/04, NCHC (P), Kanjurmarg, Mumbai 400 078. The Petitioner in the above Petition had therefore prayed that the Petitioner be permitted to continue to occupy the said quarters till 31-3-2016. This was in view of the fact that the Petitioner's daughter was studying in 10th standard. The said dated i.e. 31-3-2016 has long gone by and the Petitioner still continues to occupy the said quarters.

2 It is required to be noted that the Petitioner has been dismissed

from services vide order dated 20-9-2014 passed by the Rear Admiral, Naval Dockyard. Against the said order, the Petitioner filed a Departmental Appeal which Appeal came to be dismissed by Flag Officer Commanding-in-Chief by order dated 4-9-2015. The Petitioner thereafter it seems was filed a Revision before the Chief of Personnel, Integrated Head Quarters, Ministry of Defence, New Delhi. The Petitioner who appears in person states that since the said Revision is pending the Petitioner may therefore be permitted to continue to occupy the said quarters till his Revision is decided.

3 It is not possible to accede to the request of the Petitioner in view of the fact that the Petitioner in the Petition as originally filed had only prayed that he may be permitted to occupy the quarters till 31-3-2016 in view of the then ensuing 10th Standard examination of his daughter. As indicated above, the Petitioner has been dismissed from service and therefore is not entitled to occupy the official quarters. If the Petitioner ultimately succeeds in the Revision and is reinstated in service, then the Petitioner can apply for allotment of official quarters in the said eventuality.

4 In my view therefore, no further indulgence can be shown to the Petitioner. The Writ Petition is accordingly dismissed. However, the Petitioner is permitted to occupy the quarters till 31-12-2016 so as to facilitate him making alternative arrangements. If the Petitioner does not vacate the official

quarter by 31-12-2016, then the Respondent would be free to take necessary action in accordance with law to evict the Petitioner from the said quarters.

[R.M.SAVANT, J]