

Notes of the Registry	Orders of the Tribunal.
	<p style="text-align: center;">IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, GUWAHATI</p> <p style="text-align: center;">OA-30-2018</p> <p>Wg.Cdr Devi Lal Applicant.</p> <p style="text-align: right;">By legal practitioners for Applicant. Mr Surajit Dutta</p> <p style="text-align: center;">-Versus-</p> <p>UOI & Others. Respondents</p> <p style="text-align: right;">By legal practitioner for Respondents. Brig N.Deka ,CGSC</p> <p style="text-align: center;"><u>PRESENT</u> HON`BLE DR.(MRS) JUSTICE INDIRA SHAH, MEMBER (J) HON`BLE LT GEN GAUTAM MOORTHY, MEMBER (A)</p> <p style="text-align: center;"><u>ORDER</u></p> <p><u>19.12.2018</u></p> <p>1. The applicant herein was posted in New Delhi in the rank of Wing Commander and was provided with a married Officer's accommodation (out of turn). He was transferred in the year 2018 to Guwahati and thereafter, he made a request allowing him to retain the quarter in New Delhi. On 05.07.2018. The applicant received a fax message whereby he has been asked to vacate the quarter by 13.07.2018. The applicant filed a representation on the communiqué dated 31.05.2018 (Annexue-A3), which has been refused by the respondent authorities.</p> <p>2. Heard Mr. Surajit Dutta, learned counsel appearing for the applicant and Brig N.Deka(Retd), learned CGSC appearing for the respondents.</p>

3. Counsel for the applicant has submitted that in view of the letter dated 26.06.2000 issued by Headquarters EAC, IAF Air Force personnel posted in IAF Unit in Assam and Tripura areas, are permitted to retain married accommodation at their previous duty station for the entire tenure in Assam and Tripura areas. Therefore, the process for vacation initiated against the applicant is void and should be interfered.

4. It is further submitted by learned counsel for the applicant that the applicant is not insisting on the same accommodation but the accommodation in New Delhi till his retirement in 2020.

5. Learned counsel for the respondents has prayed for time to file counter affidavit.

6. Respondents may file their counter affidavit within 3 weeks and applicant may file rejoined thereof within 2 weeks thereafter.

6. List the matter in the month of January, 2019 whenever this division bench reassembles and till then the operation of the impugned notice dated 27.09.2019 (Annexure-A1) shall remain suspended.

7. Order dasti.

MEMBER (A)

MEMBER (J)

MC