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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1440/2002

Friday, this the 11th day of October, 2002

Hon'ble Shri Shanker Raju, Member (J)

1. Smt. Kavita Rohilla w/o Shri Manish Kumar Rohilla & daughter of Shri Ishwar Singh Rohilla employed as Sorting Asstt. in Airmail Sorting Dn. New Delhi under Delhi Postal Circle
2. Shri Ishwar Singh Rohilla s/o Shri Ram Sarup Retd. Sub Postmaster Safdarjang Enclave PO New Delhi - Both residents of Postal Qr. No.MPT-389, Sarojini Nagar, New Delhi-23

Address for service of notices c/o Shri Sant Lal
Advocate, C-21 (B) New Multan Nagar, Delhi-56
..Applicants

(By Advocate: Shri Sant Lal)

VERSUS

1. The Union of India through its Secretary
Ministry of Communication
Deptt. of Posts
Dak Bhawan, New Delhi-1
2. The Chief Postmaster General, Delhi Circle
Meghdoot Bhawan, New Delhi-1

..Respondents

(By Advocate: Shri H.K.Gangwani)

O R D E R (ORAL)

By Shri Shanker Raju, Member(J):

Applicants impugn respondents' order dated 8.5.2002 whereby the request of the applicant, being daughter of retired official, for adhoc allotment of Government accommodation has been turned down. They have sought quashment of this order with direction to allot any Type - B quarter in favour of Applicant No.1 and to retain the present accommodation till the request is finally considered.

2. Applicant No.1, who is a daughter of retired employee, was appointed as Sorting Assistant w.e.f. 9.11.1998. On her application, HRA was stopped from 9.11.1998. Applicant preferred

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application for ad hoc allotment of Government quarter which was duly submitted in proper form. Applicant No.2 is a father retired on 30.11.2001.

3. On queries regarding her marriageable status a response was submitted and the Senior Superintendent has forwarded the case of the applicant for ad hoc allotment and the quarter in which the applicants were residing on payment of prescribed licence fee her request for retention of the accommodation was extended upto 31.5.2002. By the impugned order, request of applicant No.1 for ad hoc allotment was rejected, giving rise to the present OA.

4. Learned counsel for applicants by placing reliance on SR 317-B and the OM dated 29.2.2000, contended that as per the instructions a marriage daughter, working in an eligible office, will be eligible for allotment/regularisation of alternate accommodation on the conditions that the retiring official is to be kept by the ward. He further contends that these instructions published below SR 317-B-26 permits regularisation/allotment of Government accommodation in favour of daughter, the request of the applicant was rejected de hors the instructions which is binding force. As the applicant has also not drawing HRA, no explanation has been sought from her and no reasons have been accorded to reject her request.

5. On the other hand, respondents' counsel, Shri Gangwani denied the contentions and stated that on retirement of Applicant No.2 the allotment was

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cancelled, after granting a permissible period of four months. The request of applicant, being a married daughter, was examined and in the light of the instructions dated 17.12.1991, the married daughter is the only person who is prepared to maintain the parents and as ward has not been continuously residing with retiring Government servant and has not drawing HRA for the last three years, applicant is entitled for allotment of one Type below accommodation to the petitioner on the ground that Applicant No.1 should vacate the present accommodation as she is entitled to only Type-II accommodation, and does not fulfil the eligibility of ad hoc accommodation of Type-III.

6. It is also further stated that the ad hoc allotment would be made after the vacation of the present accommodation and payment of dues, if any, recovered from the applicant.

7. I have carefully considered the rival contentions of the parties and perused the material on record. As no credible ~~material~~ ^{material} has been brought forward to establish that the applicant is not residing in the official accommodation allotted to her father, this contention of the respondents cannot be countenanced.

8. Having regard to the instructions of 2000 ^{ibid}, as applicant is entitled for being allotted/regularised accommodation on ad hoc allotment as she fulfils the eligibility criteria, and the contention of the respondents that before it is considered to allot her accommodation as per her entitlement, she has to vacate the present

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accommodation and pay the dues, is not justifiable. Applicants' counsel fairly states that whatever dues are there, the same may be on account of accommodation, can be recovered from her salary and in so far as her stay is concerned, having not been provided alternate accommodation, or no house of her own and Applicant No.1 fulfils the eligibility criteria of allotment, is arbitrary.

9. I am also of the considered view that as Applicant No.1 is fully eligible and the respondents themselves are stated to have been considering the claim of the applicant for allotment of entitled type of accommodation, the OA is disposed of with direction to the respondents to consider the allotment of accommodation to the applicant as per her entitlement within three months from the date of receipt of a copy of this order. However, subject to payment of dues ~~and~~ the applicant should be allowed to occupy the present accommodation, in accordance with rules, till the decision is taken by the respondents. The OA is disposed of accordingly. No costs.

S. Raju

(Shanker Raju)
Member (J)

/rao/