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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1518 of 2001

New Delhi, this the 8th day of June, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Shri Babu Ram Sharma
S/o Shri L.R.Sharma
R/o 885/2, Sector-II, Sadiq Nagar
New Delhi

-APPLICANT

(By Advocate: Shri J.P.Verma)

Versus

1. Union of India through the
Secretary
Ministry of Surface Transport
Transport Bhawan
Parliament Street, New Delhi
2. The Director
Directorate of Estates
Nirman Bhawan, New Delhi
3. The Director General
Department of Light House and Light Ships
Min. of Surface Transport
Government of India
Noida (UP)

-RESPONDENTS

O R D E R (ORAL)

By Hon'ble Mr.Kuldip Singh, Member(Judl)

This OA has been filed by the applicant under Section 19 of the Administrative Tribunal's Act, 1985 seeking following reliefs:-

"(i) That the Hon'ble Tribunal may pass order regularising the accommodation in the name of applicant's son Mr. R. Sharma who is working in the office of the Administrative Civil Judge, Delhi in the District and Sessions Court, Delhi or he may be allotted any suitable accommodation of his entitlement in the same vicinity."

2. Applicant has alleged that he has made a representation to respondents dated 30.5.2001 (Annexure A-2) at pages 13-16 of the paper book wherein he has prayed for regularisation of the accommodation in the

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name of his son who is stated to be eligible for allotment of the present quarter. It is submitted that the said representation is still pending with the respondents.

3. Case of the applicant is that he was working in the department of Light House and Lightships, Ministry of Surface Transport when it had its office at R.K.Puram, New Delhi. It is submitted by the applicant that when his office was in Delhi, he had been allotted a Govt. accommodation bearing No.885/2, Sector-2, Sadiq Nagar, New Delhi in the year 1980 which is still in his possession. Applicant has submitted that when his office had been shifted from R.K.Puram, New Delhi to Noida in the newly constructed building in September, 1999, respondent no.2 had cancelled the said allotment in his name, which is illegal and arbitrary. It is alleged by the applicant that his son who is working in the office of Administrative Civil Judge is also residing with him in the same quarter with his family and that his son is also eligible for allotment of Govt. accommodation in the General Pool of Estate Office.

4. The applicant has made a representation to respondents which is at Annexure A-2, for regularisation of the quarter in question in the name of his son stating therein that his son has also not been drawing the HRA. In support of his claim, applicant has quoted various judgements wherein under the similar circumstances, the Directorate of Estate had been directed to regularise the quarter in the names of relatives of the allottee such as sons and daughters etc. who were sharing accommodation

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with him/her. He has relied upon a judgement of the Tribunal in OA-907/97 (Dr. Harsh Wardhan vs. UOI & ors.) wherein even the change of pool i.e. from General Pool to Hospital Pool and vice versa had been allowed.

5. In support of his claim that his son is entitled for regularisation of the accommodation in his name, applicant has relied upon two other judgments of the Tribunal in O.A. Nos. 203/97 (Shri Gosain Ram & anr. vs. UOI) and O.A. 1249/91 (Dr. A. Golemi and anr. vs. UOI and anr.) and stated that his case is also similar to those OAs.


6. Under these circumstances, I am of the opinion that this OA can be disposed of at the admission stage itself with a direction to respondents to consider the request of the applicant within a fixed time frame in accordance with the directions contained in the aforesaid OAs and in accordance with law since the respondents have been permitting the regularisation of quarter in favour of the dependents of the allottees after they become ineligible for such allotment and their dependants being working in an office eligible for allotment of General Pool accommodation.

7. Accordingly I dispose of this OA with a direction to respondents that they shall consider the request for regularisation of quarter in favour of his son and shall pass a detailed, speaking and reasoned order on the request of the applicant in accordance with rules, instructions and judicial pronouncements on the subject within a period of two months from the date of

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receipt of a copy of this order. Till a decision on his request is communicated to the applicant, he shall not be physically dispossessed from the accommodation which he is occupying. However, the applicant shall continue to pay normal licence fee etc. of the quarter in question in accordance with rules. Alongwith copy of this order, the copy of OA, request of applicant for regularisation of quarter in the name of son and judgements relied upon by the applicant of this court be also sent to the respondents, which the respondents shall keep in view and consider the request of applicant in the light of these judgements..


(KULDIP SINGH)
MEMBER(JUDL)

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