

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.17/2001

New Delhi, this day the 3 January, 2001

HON'BLE SHRI S.A.T. RIZVI, MEMBER (A)

1. Shri Jawala Ram
S/o Matru Lal
R/o 378/96, Type-II,
MAMC Campus
New Delhi
2. Smt. Phool Wati
W/o Shri Jawala Ram
R/o 378/96, Type II
MAMC Campus,
New Delhi Applicants
(By Advocate : Shri S. Bisaria)

VERSUS

1. Govt. of N.C.T. of Delhi
Through Lok Nayak Jai Prakash Hospital
Through Medical Superintendent
New Delhi
2. P.H.C. Cum Joint Secretary
(M-II), 1 J.L.N. Marg,
New Delhi - 2 Respondents
(By Advocate : None)

O R D E R (ORAL)

Heard the learned counsel appearing on behalf
of the applicant.

2. One of the applicants in this OA is a Sweeperess and wife of a retired employee, who seeks regularisation of Govt. Quarter in which her husband used to live as a proper allottee while in service. The quarter No., in question, is 378/96 Type-II located in MAMC Campus. The applicants are aggrieved in particular by the orders dated 20.11.1996 and 27.1.1997 issued by the Respondents by which damage rent has been imposed on the applicants with effect from 1.10.1996.

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3. The learned counsel for the applicant contends that even though an alternative accommodation was allotted to the Applicant No.2, the same being situated on the third floor, could not be occupied due to health reasons and the applicants kept on representing for allotment of a Flat on the ground floor. The alternative accommodation aforesaid allotted was not suitable for them as the applicant No.1 together with the applicants' daughter suffer from certain medical problems, which require residence on the ground floor. The applicants, in their representations filed from time to time, indicated a number of alternative accommodations, which could be considered by the respondents, but they have not allotted any to them situated on the ground floor. Instead, the alternative accommodation earlier allotted on the third floor is also no longer available as its allotment has been revoked and the same has been allotted to somebody else. Thus the position obtaining as on date is that the applicants are living in the same old quarter No. 378/96 (Type-II) as unauthorised occupants and are required to pay dam-age rent/in accordance with the rules.

4. I find that the allotment of the aforesaid accommodation No. 378/96 (Type-II) has been cancelled by the competent authority in accordance with the Public Premises (Eviction of Unauthorised Occupants) Act 1971. In accordance with the decision of the Supreme Court in UOI vs Shri Rasila Ram & Ors reproduced as JT 2000 (10) SC 503, this Tribunal is not competent to look into the merits of the aforesaid order cancelling the allotment and declaring the applicants as unauthorised occupants.

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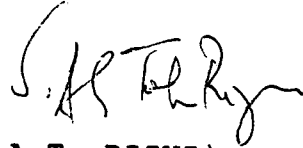
The only course of action open to this Tribunal now is to see how best the applicants can be helped in the present situation having regard to the medical problems currently faced by the family.

5. In sum, therefore, I find that the end of justice would be met in this case by directing the respondents to consider the medical need of the family of the applicants and to allot a ground floor flat to the applicant No.2 in accordance with the rules placed at annexure 12 and such other rules as might be applicable as expeditiously as possible and, in any event, within a period of two months from the date of receipt of a copy of this order. The action inter alia to realise the damage rent will be taken by the respondents in accordance with law and the rules keeping in view the fact that the applicant No.2 has not drawn HRA.

6. The OA is disposed of in the aforestated terms at the admission stage itself. No costs.

7. Registry will send a copy of the OA to the respondents along with a copy of this order.

(pkr)


(S.A.T. RIZVI)
MEMBER (A)