

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 18/2001

Wednesday, this the 3rd day of January, 2001

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

1. Smt. Jasuli Devi,
Widow of Shri Jaswant Singh
R/o 273/96 (Type-II)
New Delhi:110 087
2. Shri Khem Singh,
S/o Late Shri Jaswant Singh,
R/o 273/96, Type-II,
MAMC Campus *Sarvesh Bisaria*
New Delhi *Sarvesh Bisaria* Applicants
(By Advocate : Shri *E.D. Gupta*)

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 *.....* Respondents
(By Advocate : None)

O R D E R (ORAL)

The applicants in this OA are aggrieved by the Respondents' Order dated 30.8.1999 by which the Applicant No. 2 has been directed to vacate the premises (Quarter No. 273/96, Type-II) and also to pay damages at market rate with effect from 1.1.1996. The said order also provides that the failure of the Applicant No.2 to comply with the order will make him liable for eviction from the said premises. The applicants are further aggrieved by the notice dated 28.11.2000 issued by the Estate Officer under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act 1971. By this notice, the Applicant No.1 has been required to show cause as to why orders evicting her from the aforesaid premises

2

(X) *Corrected while
enters order dated
1/1/2001*

D

should not be made. Both the aforesaid orders have been impugned in this OA.

2. The aforesaid accommodation was allotted in favour of Applicant No.1 on 22.12.1978. She superannuated on 30th April, 1996. The son of the aforesaid applicant No.1, who is applicant No.2 in this OA, was appointed as Chowkidar in the respondents set up on 14.5.1991. While still in service, the Applicant No.1 had filed representations before the respondents for the allotment of the aforesaid accommodation in favour of the Applicant No.2 after her superannuation on 30th April, 1996 on compassionate and medical grounds. The applicants filed further representations for regularisation of the aforesaid quarter in the name of the applicant No.2 or alternatively to provide another quarter to the Applicant No.2 on the ground floor in the same vicinity/area. The ground taken was that since the Applicant No.1 suffered from arthritis, heart disease and other ailments she needed the support of Applicant No.2 and they could reside due to the aforesaid medical problems, on ground floor accommodation only. Consequently the respondents allotted a flat to the Applicant No. 2 on the fourth floor and located at a far off place. This did not suit the requirements of the applicants. Accordingly they filed further representations, which have not been considered by the respondents. In the meantime, the alternative accommodation allotted in their favour on the fourth floor is no longer available as its allotment has been cancelled and the said quarter has

2

(3)

been allotted to somebody else. In reply to the Notice dated 28.11.2000 received from the Estate Officer, the Applicants have submitted a representation on 9.12.2000, which is pending consideration. The applicant No.2, who was appointed in the Respondents' set up on 14.5.1991 and who has been living in the aforesaid quarter No. 273/96 (Type-II) has not been drawing HRA.

3. After hearing the learned counsel appearing on behalf of the Applicants as none was present on behalf of the respondents, I find that 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 cannot interfere in the process initiated by the Estate Officer by issuing the aforesaid Notice dated 28.11.2000. The aforesaid authority being competent to proceed in the matter in accordance with the said Act of 1971, will remain at liberty to complete the proceedings and take action as deemed fit in accordance with law and the rules on the subject. The course of action open to this Tribunal, however, 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.

4. In sum, therefore, I find that the ends of justice would be met in this case by disposing of this OA at this very stage with a direction to the Respondents to consider the medical need of the family of the applicants and to allot the Applicant No.2 a

d

(4)

ground floor flat in accordance with the rules placed at Annexure-5 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 ^{2 copy of} this order. It is clarified that the action inter alia for realising the damage rent will be taken by the Respondents in accordance with the law and the rules keeping in view the fact that the Applicant No.2 has not been drawn ^{2 - ing} HRA.

5. The OA is disposed of in the aforesated terms at the admission stage itself. No costs.

6. Registry will send a copy of the O A to the Respondents along with a copy of this order.

S.A.T. Rizvi

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

(pkr)