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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1227/99

New Delhi this the 12th day of August, 1999.

Hon'ble Sh. S.P. Biswas, Member(A)

Shri R.P. Bohat,
S/o late Sh. Prabhati,
R/o T-29/6, Transit Camp,
Red Fort, Delhi-6. Applicant

(through Sh. A.K. Trivedi, advocate)

versus

1. Union of India through
its Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. Station Commander,
Station Headquarters,
Delhi Cantt-10.
3. S.S.O.(B),
Station Headquarters,
Delhi Cantt-10. Respondents

ORDER(ORAL)

The issue that falls for determination is as under.

What is the legal right of an allottee to get an alternative accommodation when the originally allotted quarter has been officially declared as not habitable.

2. The provisions of the General Allotment Rules, 1963 issued by the Ministry of Urban Development, which is applicable to other Ministries/Departments under the Government of India. since said Ministry is nodal Ministry in respect of

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enunciation of rules/regulations for the purpose of allotment of Government accommodation. It is not in dispute that the applicant is in occupation of Quarter No.T-29/6, Transit Camp Red Fort, Delhi which was duly allotted to him by A-1 order dated 29.1.85. He continues to be in occupation of the same unit even now. This quarter has since been declared as not habitable in March 1999, as reported by the learned counsel for the applicant. It is also seen that the Garrison Engineer (Central) has forwarded the case of the applicant to the Station Headquarters i.e. Respondent No.2 for change of the quarter. This was done in May 1999. Since it is a question of an alternative accommodation being given to a regularly allottee, the legality of the claim cannot be questioned or denied. It is stated that Quarter No.T-29/6, Transit Camp Red Fort is a Type-I quarter.

3. We find from the records that the respondents were given several opportunities to represent their case but none of them cared to come up when the case was called even for the second time on date. In any case the legality of the applicant's claim is staring on our face since he is a legal allottee and since the quarter has been declared for demolition.


4. In view of the position as aforesaid, the O.A. is allowed with the following directions:-

(i) The respondents are directed to allot a suitable alternative Type-I quarter to the applicant on the basis of the first available vacancy of a quarter in the entitled category of the applicant or any quarter, if already vacant, even now.

(ii) The respondents shall do well to remember that risks of living in such quarters will mount up in course of the ensuing monsoon season.

5. The O.A. is disposed of as aforesaid.

No costs.


(S.P. Biswas)
Member(A)

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