

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. No.124/99

HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

New Delhi, this the 25<sup>th</sup> day of October, 1999

1. Shri Nanak Chand  
S/o Shri Mam Chand  
R/o Qr.No.99/144-II  
Mirdard Lane, New Delhi
2. Shri Mam Chand  
S/o Shri Umed  
R/o Qr. No.99/144-II  
Mirdard Lane, New Delhi

....Applicants

(By Advocate: Shri D.S. Mahendru)

Versus

Government of N.C.T. Delhi through

1. Principal Hospital Co-ordinator  
(Estate Cell)  
1, Jawaharlal Nehru Marg  
New Delhi
2. Medical Superintendent  
Lok Nayak Jai Prakash Narain Hospital  
New Delhi
3. Accounts Officer  
L.N.J.P. Hospital  
New Delhi

....Respondents

(None)

O R D E R

Applicant No.1 is the son of Applicant No.2.

Applicant No.2 was earlier working as a Sweeper under Respondent No.2 and retired with effect from September, 1995. On 26.5.86 Applicant No.1 had been allotted Qr. No.99/144 II, Mirdard Lane, New Delhi. By a Memo dated 4.3.95 he was informed that the allotment in his favour had been cancelled and he was directed to hand over the vacant possession of the quarter and also to pay market rent till such vacation. It is submitted that Applicant No.2, thereafter made a representation dated 8.3.95 followed by another representation but instead of replying to him the Respondent No.1 again sent a copy of

*One*

letter sent by Respondent No.1 to Respondent No.3 to take action for vacation of the quarter as well as cancellation of the allotment. Applicant No.2 retired from service with effect from 30.9.1995. He submits that the respondents are not releasing his retiral benefits and instead by letter dated 12.3.97 the respondent No.3 has demanded a sum of Rs.94,020/- by way of damage rent on account of the aforesaid quarter. The applicants submit that Applicant No.1 had initially on retirement of Applicant No.2 applied for regularisation of the quarter in his favour but the request was rejected even though Applicant No.1 was fully eligible under the rules.

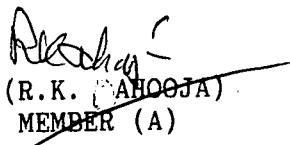
2. The respondents in their reply have stated that during a survey in 1991 it was found that the Applicant No.2 had sublet the Govt. accommodation allotted to him and even a jhuggi had been constructed and a ration card issued to the sib;ette. Applicant No.2 was also given a show cause notice, it was replied to and after consideration of the reply final order was issued on 4.2.95 and the allotment was cancelled from 5.4.91, i.e. from date of survey. The allotment having been cancelled the Applicant No.1 could not be considered for allotment of Govt. accommodation in question.

3. I have heard the parties. Applicant No.2 submits that he had been agitating the matter regarding the cancellation of the allotment from 1995 onwards. Even though he impugns the order of 4.2.1995, the present O.A. was filed as late as on 13.8.99. The applicant No.2 did not agitate the matter when the cancellation of allotment was made. He is therefore now barred by limitation to seek relief by way of quashing that order. On cancellation of the allotment he is also required to ~~pay~~ the rent at market rate. The respondents are also

3

justified in not considering the case of the applicant No.1 as applicant No.1 cannot be considered for regularisation of allotment as no valid allotment existed in the name of applicant No.2 on the date of his retirement. (P2)

4. In the result, finding no merit in the O.A., the same is dismissed. There will be no order as to costs.

  
(R.K. (AHOJA)  
MEMBER (A)

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