

CNTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1604/99

New Delhi this the 25th day of January, 2000.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE-CHAIRMAN

Shri Pratap Mohan Jha,
S/o late Sh. Sita Ram Jha,
R/o Block NO.4, House No.71,
Lodhi Colony,
New Delhi-110 003.

...Applicant

(By Advocates Sh. V. Shekhar & Associates though none
appeared).

-Versus-

1. Union of India through
Secretary, Ministry of
Urban Affairs and Employment,
Nirman Bhawan,
New Delhi-110 001.
2. Director General,
Central Public Works Department,
Nirman Bhawan,
New Delhi-110 001.
3. Executive Engineer (Elect.)
Electrical Division 14,
Central Public Works Department,
Pragati Maidan, Hall No.16,
New Delhi-110 001.
4. Junior Engineer (Civil),
1314, Lodhi Road Complex,
Central Public Works Department,
New Delhi-110 003.
5. Junior Engineer (Elect.)
Electrical Division 10,
1884, Lodhi Road Complex,
Central Public Works Department,
New Delhi-110 003.

...Respondents

(By Advocate - None)

O R D E R (ORAL)

None appears either for the applicant or for
the respondents, even on the second call. Since no
counter has been filed even after granting several
opportunities the right to file counter-affidavit has
been forfeited. When this case was called today, the
counsel for the respondents was absent. I have taken up

the matter for disposal on merits, as it is posted for final hearing.

2. The applicant was an allottee of a house at Aram Bagh. As he was eligible for being allotted a type III accommodation, he requested for allotment of a type III accommodation. He was accordingly allotted type III accommodation at 1019, Lodhi Road Complex in December, 1997. He found that the said accommodation was not a type III accommodation and only type II accommodation. Hence, he protested with the Estate Office. He also applied for a change of quarter. However, as he had to vacate the quarter previously allotted at Aram Bagh, he locked the house which was allotted to him at Lodhi Road Complex. He did not physically occupy the quarter at Lodhi Road Complex. Since he did not physically live into Lodhi Road Complex accommodation he did not get any electricity, water connections etc. He was subsequently allotted in March, 1999, the type III accommodation at Block 9 Lodhi Colony. But the office did not deliberately communicate the said allotment to the applicant. Hence, he could not take possession of the quarter. Subsequently, however, the Estate Office has allotted yet another quarter in block No.4 on 23.5.99 and the applicant took possession of the said quarter immediately and he has been living therein since then.

3. It is the case of the applicant that though he made repeated representations for taking possession of the Type II quarter at Lodhi Road Complex, the respondents had refused to take possession of the

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same unless 'no objection certificate' from Delhi Vidyut Board pertaining to the electric connection in the quarter was produced by the applicant. But the Assistant Financial Officer, Delhi Vidyut Board, Nizammuddin taking the view that 'no objection certificate' could not be given as the applicant had not taken any electric connection from the Delhi Vidyut Board, refused to issue any 'no objection certificate'.

4. The grievance of the applicant is that respondents are refusing to take over possession of the quarter at Lodhi Road Complex unless the 'no objection certificate' has been produced by the applicant.

5. The above averments make it abundantly clear that the applicant has in fact not taken possession of the type II quarter at Lodhi Road Complex. It is asserted by the applicant that he has not taken any electric connection from the Delhi Vidyut Board. It appears that only due to technical objection the respondents are refusing to take possession of the house. The applicant cannot be said to have any dues to the Delhi Vidyut Board, as he has not taken any connection from Delhi Vidyut Board, as he has not in fact lived in the said quarter. Subsequently, as he has been allotted another quarter at Block No.4, Lodhi Colony he has taken over possession of the same and he has been living therein since then.

6. In the circumstances, I direct the respondents to take possession of the type II quarter No.1019, Lodhi Road Complex, New Delhi, unless it is found that the applicant has dues to the Delhi Vidyut Board. The O.A. is accordingly allowed. No costs.

Ch. Rajagopal Reddy
(V. Rajagopala Reddy)
Vice-Chairman (J)

'San.'