

Central Administrative Tribunal
Principal Bench

O.A. No. 1703 of 1999

New Delhi, dated this the 5th August, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)

Mrs. Rina Sharma,
D/o late Shri U.P. Bhattacharjee,
R/o Block 22/1050, Lodhi Colony,
New Delhi. Applicant

(By Advocate: Shri George Paracken)

Versus

Union of India through

1. The Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.

2. Director of Estates,
Nirman Bhawan, New Delhi.

3. Shri G.P. Srivastava,
Estate Officer,
Directorate of Estates,
Nirman Bhawan, New Delhi.

4. The Secretary,
Ministry of Information & Broadcasting,
(Press Information Bureau),
Shastri Bhawan,
New Delhi. Respondents

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns Respondents order dated 17.6.99 (Annexure A) directing applicant's late father Shri U.P. Bhattacharjee to show cause why he should not be evicted from the Government Premises Block 22/1050, Lodhi Colony, New Delhi.

2. Applicant's counsel Shri Paracken states that applicant's father Shri Bhattacharjee retired from service on 28.2.87 and at that point of time he was in occupation of Type III Quarter Block 22/1050,

Lodhi Colony, New Delhi. On 27.5.87 Applicant made a representation to respondents (Dte. of Estates) for regularisation and/or allotment of alternative accommodation in her name in lieu of the aforesaid accommodation occupied by her, and Respondents sanctioned ad hoc allotment of Type II accommodation in Lodhi Colony vide letter dated 14.3.88 without floor restriction to her.

3. Shri Paracken further states that despite applicant's best efforts to secure occupation of the aforesaid quarter she was not given occupation of the same and meanwhile Respondents by letter dated 7.12.98 (Ann. P) had issued a letter to applicant's late father Shri Bhattacharjee asking him why he should not be evicted from the premises Block 22/1050, Lodhi colony, New Delhi. Shri Paracken further states that Shri Bhattacharjee in the meantime had unfortunately expired on 6.9.90 (Annexure N), which fact, was known to the Estate Officer and applicant had submitted her reply dated 10.2.99 (Ann. Q) to Respondent No. 3 followed by another detailed reply on 19.2.99 (Ann. R), but Respondents without considering the same have issued the impugned order dated 17.6.99.

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4. I note that by the aforesaid impugned order dated 17.6.99, applicant's late father Shri Bhattacharjee had been directed to show cause on or before 21.7.99 why he should not be evicted from the aforesaid quarter. Shri Paracken states that applicant has herself appeared and explained the entire position to the Estate Officer and the case has been adjourned to another date during the current month.

5. In this connection Shri Paracken has urged that issue of the impugned notice dated 17.6.99 itself is illegal ab initio as Shri Bhattacharjee is no longer alive.

6. This O.A. is disposed of with a direction to Respondent No. 3 to keep all the aforesaid averments made by Shri Paracken clearly in view while passing the order pursuant to the show cause notice, and while doing so also Directorate of Estates' order dated 14.3.88, allotting applicant Type II accommodation in Lodhi Colony without restriction of floor which as per applicant's submission was not given possession to her so far.

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7. In the event applicant is aggrieved by the final order passed by the E.O. it will be open to her to agitate the same through appropriate original proceedings in accordance with law if so advised. No costs.

Anil Adige
(S.R. Adige)
Vice Chairman (A)

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