

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 1009/99

(9)

New Delhi this the 9th day of February, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Pankaj Kumar Sharma
S/O Late Sh. Yad Ram Sharma
R/O Flat No. 436, Lodi Road Complex,
New Delhi.

.. Applicant

(By Advocate Sh. M.K. Bhardwaj)

Versus

1. Union of India through
the Secretary, Ministry of
Urban Development,
Nirman Bhawan, New Delhi.

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

3. The Estate Officer,
Directorate of Estates,
Nirman Bhawan, New Delhi.

4. Administrative Officer,
Department of Culture,
National Museum, Janpath,
New Delhi.

.. Respondents

(By Advocate Shri V.S.R. Krishna)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicant is aggrieved by the order dated 9.3.99 passed by the respondents in which it has been stated that the family of late Shri Yad Ram Sharma were unauthorised occupants of Govt. Quarter-Flat No. 436, Lodi Road Complex, New Delhi and the family was, therefore, asked to vacate the premises within the specified time. In Tribunal's order dated 22.12.99 a mention has been made by the learned counsel for the applicant that he had made an application for allotment of Type-A accommodation as per entitlement on 10.1.97 but nothing has been heard in the matter. In the meanwhile, Respondent 3 i.e., ^{The} Estate Officer, Directorate of Estates issued the aforesaid Eviction Order dated 9.3.99. By Tribunal's order dated 22.12.1999 as an interim measure, the respondents were directed

J.S.

to reconsider the request of the applicant in the light of the order dated 22.10.1999 issued by Respondent 2 within a period of fortnight.

2. In pursuance of the aforesaid order, it is seen from the reply filed by the respondents that they have reconsidered the matter regarding sanction of Type A accommodation on ad hoc basis in the name of the applicant. They have subsequently issued letter dated 28.7.99. In the reply, they have submitted that since the applicant was responsible for not submitting the application duly completed on time and he had not replied to the respondents letters dated 27.1.95, 27.4.95 and 8.11.98, he was liable to pay damage rent from 3.3.1995 i.e. the date of cancellation till 23.10.1997 when his application was received in the Directorate of Estates in complete form. They have further clarified that from 24.10.97 the applicant will be charged only normal rent till the time a Type-A quarter was offered to him as the delay in issuing the sanction was on the part of the answering respondents.

3. Therefore, the only question ^{which is} survives in this case is regarding the payment of damage rent for the period from 3.3.95 to 23.10.97, inclusive, ^{of B} the period when the applicant continued to stay in Type B quarter which had been earlier allotted to his deceased father. Shri M.K.Bhardwaj, learned counsel has submitted that the applicant had been given regularisation in Type A accommodation but in the meantime the respondents have themselves recategorised the house which was earlier allotted to his father, as now Type A. Be that as it may, the applicants' ^{is} grievance of the policy decision taken by the respondents for recategorisation of Govt.houses, ^B does not affect his right in any way adversely. The relief claimed is that the applicant had applied for Type A accommodation and he has been given regularisation, which is also in terms of Tribunal's aforesaid order dated 22.12.1999.

4. In the above facts and circumstances of the case and as further action has been taken by the respondents themselves to

regularise the quarter in the name of the applicant, nothing further survives regarding quashing the impugned order dated 9.3.99 or to regularise the same quarter i.e. Flat No. 436, Lodi Road Complex, New Delhi in the name of the applicant. These were the main reliefs prayed by the applicant.

5. In the result for the reasons given above, ^{as} nothing further survives in this OA. O.A. is disposed of. ~~as above~~ ^{as} No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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