

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 1242/98

New Delhi this the 23rd day of March, 2000

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

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1. Sh. Vijay Pal Singh,
Assistant Director (Elect),
Ministry of Industry,
Department of S.S.I. Agro-Rural
Industries, Regional Testing
Centre (Northern Region) Sahid
Capt. Gour Marg, Okhla, New
Delhi-110020

R/O C-768, Delhi Admn. Flats,
Timarpur, Delhi-54

2. Sh. Ram Kirpal Singh
C-768, Delhi Admn. Flats,
Timarpur, Delhi-54

.. Applicants

(By Advocate Sh. R.L. Sethi, learned
counsel through proxy counsel
Shri T.C. Aggarwal

Versus

Union of India through

1. Directorate of Estates, Nirman Bhawan,
New Delhi.

2. The Secretary, Land and Building
Department, Estate Branch, Govt. of
Delhi, 'B' Block, I.P. Estate,
Vikas Bhawan, New Delhi-2

.. Respondents

(By Advocate Sh. A.K. Bhardwaj, learned
counsel through proxy counsel Ms.
Sumedha Sharma)

O R D E R (ORAL)

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

Applicant 1 is aggrieved by the order passed by Respondent 2 dated 10.12.1997 rejecting his request for regularisation of the Govt. quarter which was earlier allotted to his father, applicant 2, and verbal order dated 11.5.1998 passed by Respondent 1 rejecting his application dated 23.3.98 for regularisation of the same quarter allotted to applicant 2.

2. I have perused the records and heard both the learned proxy counsel for the parties.

3. Sh. T.C. Aggarwal, learned proxy counsel relies on the judgement of the Tribunal in Dinesh Kumar Sharma and others Vs.

The Secretary, Land and Building Department, Govt. of NCT of Delhi and Others (OA 818/1996) which was disposed of by order dated 20.2.1998. He submits that the facts of that case and the present case are similar and he would be satisfied if a direction is accordingly given to Respondent 1 i.e. UOI to take an appropriate decision in the matter in consultation with R-2 and in accordance with the relevant Rules and instructions for regularisation of the quarter which was earlier allotted to his father. Learned counsel has submitted that although the application for regularisation in this regard had been submitted to R-1, the same has been rejected by verbal order for inter pool exchange of accommodation but this fact has been denied by R-1 who has stated that they have not received any such application for regularisation of the quarter. In other words, it appears that R-1 has not considered the facts of the present case, which prima-facie appear to be similar with that of the facts in D.K.Sharma's case (supra).

4. In the reply filed by the respondent No.1, reference has been made to certain rules and instructions, ~~which~~^{where}. They have claimed that ~~the~~ applicant 1 who is eligible for Genl.Pool accommodation is, however, not entitled for the inter-pool exchange because he has not been allotted any Genl.pool accommodation so far. The issue in this case is whether applicant 1, who is admittedly a Central Govt. employee would be entitled for regularisation of the quarter from the Govt. of NCT of Delhi which was earlier allotted to his father, applicant 2, who has since retired from Govt. service w.e.f. 28.2.98. The applicant is admittedly continuing to reside in that quarter by virtue of an ad-interim order dated 6.7.98. Learned proxy counsel for the applicant has submitted that it would be appropriate if ~~the~~^{the} respondent 1 is directed to take a decision in the matter, considering the aforesaid facts and the Tribunal's order dated 20.2.98 in OA 818/96 which is binding, as no appeal had been filed against ~~that~~^{the} order. He has further submitted that in case the request of the applicant is not agreed to by the respondents

after proper application of mind in accordance with rules and
also
instructions, applicants would/undertakes to vacate the Govt.
quarter allotted to the father, applicant No.2 by respondent 2
in accordance with the rules. (29)

5. In view of the facts and circumstances of the case, the
OA is disposed of with the following directions:-

Respondent 1 shall, in consultation with Respondent 2,
consider the request of applicant 1 for regularisation of
Quarter No.C-768, Delhi Admn.Flats, Timarpur in accordance
with the relevant rules and instructions. This action shall
be taken within one month from the date of receipt of a copy
of this order with intimation to applicant 1. During the
intervening period the applicants will not be physically evicted
from the aforesaid quarter. It is however, made ~~it~~ clear that
the ad-interim order passed by the Tribunal dated 6.7.98 and
the present order is without prejudice ^{to} the right of the respon-
dents to recover due rents for the intervening period as per the
relevant law and rules. No order as to costs,

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

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