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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
OA 1284/98

New Delhi this the 21st day of May, 1999.

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

Shri Vijay Prakash
S/O Late Kanhiya Lal
working as Mazdoor
in the O/O the G.E. (South)
AF Palam, Delhi Cantt-10
and R/O 88/8, Pinto Park,
AF Stn. Palam, Delhi Cantt.10

..Applicant

(By Advocate Shri A.K.Trivedi)

Versus

1. Union of India through its
Secretary, Ministry of Defence,
South Block, New Delhi.
2. Air Officer Commanding
(Estate Officer)
No.3 Wing, Air Force Station
Palam, Delhi Cantt.10
3. Garrison Engineer(South)
Air Force Palam, Delhi Cantt.

..Respondents

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

O R D E R (ORAL)

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

The grievance of the applicant in this case is that he has been asked to vacate the Govt. accommodation No.88/8, Pinto Park, Delhi Cantt. and the respondents have refused to regularise this quarter in his name.

2. The brief facts of the case are that applicant was given compassionate appointment w.e.f. 3.1.1997 after the demise of his father on 28.11.94 i.e. after a period of 2 years. Applicant has also submitted that he had made a representation on 13.2.97 to the respondents for allotment/regularisation of the aforesaid quarter in his name but it has not been replied to by the respondents. Later he had made another representation dated 15.5.97 (Ann.A.6) to the Estate Officer which according to him has also not been replied to.

3. Shri A.K.Trivedi, learned counsel for the applicant has submitted that although certain other persons for example, one Shri Pawan Katoch, Mazdoor and Smt.Asha Sabharwal, who are similarly situated persons as the applicant, had been given regularisation of the quarters which was earlier allotted to his deceased parent, the same request has not been considered favourably by the respondents in his case. According to him, applicant fulfills all the conditions under Rule 20 of SRO 308/78. He has also submitted that in furtherance of the Tribunal's order dated 10.3.99 he now possesses the relevant details regarding the other persons which he would like to submit to the respondents. He further submits that the applicant would be satisfied merely with a direction to the Estate Officer, Respondent No.2 to consider his representation dated 15.5.97 sympathetically and on the same lines as they have considered the case of Shri Pawan Katoch, for regularisation of the Govt. quarter which is in his possession or any type 1 quarter, as per his entitlement.

4. I have seen the reply filed by the respondents and also heard Shri V.S.R.Krishna, learned counsel. He has submitted that this case is barred by limitation as the applicant's father had expired on 22.11.94 and the applicant had been given compassionate appointment after more than 18 months, later. His representation has also been disposed of as far back as on 11.3.97.

5. However, in the above facts and circumstances of the case, noting particularly the submissions made by the learned counsel for the applicant, that the applicant only wants his case to be looked into again by the Respondents on par with other similar cases, this OA is disposed of with a direction to the applicant to furnish full particulars of those

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persons to Respondent 2 within two weeks from the date of receipt of a copy of this order. He shall then dispose of the representation within one month from its receipt by a reasoned and speaking order in accordance with the Rules and instructions, taking into account also the facts in the other similar cases. In the circumstances of the case, it is made clear that this will not enable the applicant to reagitate the matter on the same facts.

No order as to costs.

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

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