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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 2247/98

New Delhi, this the 28th day of June, 1999

HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

In the matter of:

Vijay Kumar Mahato
son of late Shri Ram Prakash Mahato,
resident of A-261, 1st Floor,
Minto Road, Government Quarters,
New Delhi. Applicant
(By Advocate: Sh. M.Chopra)

Vs.

1. Union of India
through Secretary, Ministry of Finance,
New Delhi.
2. Directorate of Publicity and Public Relations
Customs and Central Excise
Gagan Deep Building
Rajendra Place, New Delhi
through Deputy Director (Estt.)
3. Estate Officer
Office of the Assistant Director
of Estate (Litigation),
Directorate of Estates,
Nirman Bhawan,
New Delhi.
4. Asstt. Director,
Directorate of Estate,
Nirman Bhawan,
New Delhi. Respondents
(By Advocate: Sh. R.V.Sinha)

ORDER

The applicant submits that his father who was a Peon with the respondents was allotted quarter No. A-261, Minto Road, New Delhi on 12.3.94. He expired on 12.2.95 while still in service. The applicant thereafter applied for compassionate appointment. However, because of delay on the part of the respondents his appointment as Peon in the same office, where the applicant's father was working, came through only on 5.5.97. The applicant says that he made an application for regularisation of the quarter allotted to his late father in his name as per rules. The

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respondents thereafter deducted the house rent amounting to Rs.765/- p.m. from his salary up to May 1998 and thereafter increased the deduction to an amount of Rs.782/- p.m. His grievance is that all of a sudden they have issued the impugned order declaring him to be an unauthorised occupant of the house and also given a notice that if he does not vacate the premises he will be evicted if necessary by the use of force.

2. The respondents in their reply have stated that the allotment of the quarter was cancelled in the name of Sh. R.P.Mathur, the late father of the applicant w.e.f. 12.2.96 after allowing the concession period of 12 months as permissible under the rules. The applicant got appointment as a Peon on 5.5.97. As per the existing instructions regularisation of allotment of quarter in the name of the applicant could be considered only if he had secured an appointment within 12 months from the date of death of his father. This period could be relaxed by one more month with the approval of the competent authority. But as there was a lapse of more than 13 months the request of the applicant for regularisation of allotment of the quarter could not be allowed. They also state that no rent has been charged from the applicant and what the applicant refers to as deduction on account of rent is actually the non-payment of HRA.

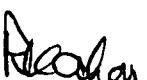
3. I have heard the counsel. The concession for ad hoc allotment/regularisation of accommodation in favour of the ward of the deceased employee obtaining employment thereafter was at the relevant time limited to a period of 12 months of the death of the original

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allottee. Admittedly, the applicant obtained employment after more than 2 years of the death of his father. In terms of the rules laid down the applicant was thus not entitled for the regularisation of the quarter in his name. ~~affidavit~~ ~~accommodation~~ is not a vested right and, therefore, he cannot make an issue of delayed appointment for regularisation of accommodation. It was pointed out by the learned counsel for the applicant that the intimation regarding cancellation of allotment was issued only after applicant had obtained his employment. The actual intimation of cancellation is not material as the allotment is deemed to be cancelled after the expiry of the permissible period provided in the rules. The contention of the applicant that the respondents had received the rent is also not relevant as HRA and rent are two entirely different things. Non-payment of HRA does not mean that applicant had paid and the respondents had accepted the rent for the relevant period.

4. In the result as the applicant obtained the employment after the stipulated period allowed under the rules, he is not entitled to ad hoc allotment/ regularisation of the quarter. The OA is accordingly dismissed. No costs.


(R.K. AHOOJA)

Member (A)

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