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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No.409/98

New Delhi this the 16<sup>th</sup> Day of December 1998

Hon'ble Mr. R.K. Ahooja, Member (A)

Shri Hukam Chand Suman  
Son of Late Shri Partapa Ram  
Retired Government Servant in the  
Ministry of Law, Justice and Company Affairs,  
(Government of India)  
Residing at : Quarter No. 35, Sector V  
Ramakrishna Puram, New Delhi-110 022. .... Applicant

(By Advocate: Raja Venkatappa Naik and  
Shri Vijay Kumar Ravi)

-Versus-

1. Union of India  
Represented by Secretary,  
Department of Urban Development,  
Ministry of Urban Development and Employment,  
Nirman Bhawan,  
New Delhi-110 001.
2. Director of Estates,  
'C' Wing, 4th Floor, Nirman Bhawan,  
New Delhi-110 011. .... Respondents

(By Advocate: Shri R.V. Sinha)

O R D E R

Hon'ble Shri R.K. Ahooja, Member (A)

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The applicant who retired as Under Secretary, Ministry of Law, Justice and Company Affairs, at the time of superannuation on 31.1.1993 was in occupation of Government quarter No. 341, Sector IV, Ramakrishna Puram, New Delhi. His son was also in Government service as Inspector, Central Excise and Custom, allotted quarter No. 35, Sector V, R.K.Puram, New Delhi. This allotment was, however, made subject to the payment of rental dues amounting to Rs. 94,860/- as the applicant had continued to occupy the quarter allotted to him unauthorisedly after his retirement. The applicant was directed to pay 50% against the total dues and says that under protest he deposited dues amounting to Rs. 47,430/- the balance

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payment amount to be paid in ten equal monthly installments. It is the case of the applicant that his son was under the Rules entitled to ad hoc allotment of a house upon the applicant's retirement and the said allotment should have taken place within ten months after applicant's retirement. Since the ad hoc allotment in favour of his son was delayed by the respondents, the acceptance of the quarter by applicant had to be regularised for the intervening period and he should have been charged only normal rent and not the penal interest. On this ground the applicant has come before the Tribunal seeking to set aside the impugned order dated 22.12.1994 of the respondent fixing a rate of Rs. 3060/- for 31 months instead of Rs. 210/- p.m. and further to direct the respondents to refund to him the excess already paid.

2. The Respondents in the reply have stated that the applicant was in occupation of a Type IV quarter. His son applied for regularisation of the same house but as he was not covered by the Rules, he was sanctioned a Type II quarter on 22.11.1994. However, instead of accepting the offered quarter, he was continuously making a request to the Minister of State, Urban Development for regularization of Type IV quarter for which he was not entitled. Ultimately, he accepted the last allotment of Quarter No. 35, Sector IV, R.K.Puram, New Delhi and occupied it. At the time of allotment, the dues on account of the house in occupation of the applicant were calculated to be Rs. 95,065/- upto 16.12.1995 of which only half has been paid by him. They submit that instead of paying the remaining half, the applicant has now chosen to come before the Tribunal.

3. The learned counsel of the applicant has sought to establish that the order of allotment of Type II quarter was never conveyed to the applicant's son till 1995 as the applicant had in the meantime been transferred to another office. This argument cannot be accepted. Firstly, as seen from the allotment letter produced by the applicant himself with the rejoinder, a copy was endorsed to the applicant's son at the applicant's address and in the normal course it may be expected to reach him as the two were sharing the accommodation. In fact, it appears from the copy <sup>that</sup> it has <sup>been</sup> produced that it is the very same endorsement. Further, the applicant's son himself would <sup>or</sup> ~~not~~ have been pursuing his case for allotment and could not be unaware of the issue of this allotment letter. I am, therefore inclined to place reliance on the submission of the Respondents that there was delay in moving to a Type II quarter only because of the efforts being made by the applicant and his son to get the Type IV quarter regularised in latter's name.

4. In the light of this conclusion, the applicant <sup>is</sup> ~~has~~ not <sup>entitled</sup> ~~come~~ for the relief sought by him.

The O.A. is accordingly dismissed.

*R.K. Ahooja*  
(R.K. Ahooja)  
Member (A)

\*Mittal\*