

Central Administrative Tribunal  
Principal Bench

O.A.No.503/98  
M.A.No.528/98

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

New Delhi, this the 10th day of March, 1998

1. Shri Mahinder Singh  
s/o late Shri Dalip Singh  
r/o Q. No.G-111, Nairoji Nagar  
New Delhi - 110 029.
2. Smt. Darshini Devi Shah  
w/o late Shri Dalip Singh  
r/o Q.No.G-111, Nairoji Nagar  
New Delhi. .... Applicants

(By Shri D.P.Avinashi, Advocate)

Vs.

Union of India through

- 1, Director  
Directorate of Estates  
Govt. of India, Nirman Bhawan  
New Delhi.
2. Estate Officer  
Directorate of Estates  
Nirman Bhawan  
New Delhi. .... Respondents

O R D E R (Oral)

The applicant No. 1 states that his father was working in the Central Public Works Department (CPWD) and he expired on 25.3.1993. Applicant No.1 thereafter was appointed in the CPWD on compassionate ground in April, 1994. The accommodation, allotted to his late father, was also regularized in his favour. Applicant No.1 submits that he could not attend his duty for more than 450 days due to prolonged illness and his services were terminated vide officer order dated 30.04.1997 by the Superintending Engineer. He preferred an appeal against this order before the Chief Engineer which is under

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consideration. Applicants have come before this Tribunal because an eviction order has been passed by Respondent No.2.

2. I have heard the counsel. The only ground for the relief is that proper procedure has not been followed by the respondents in passing the impugned eviction order. Accordingly, the applicants seek a relief that they should be allowed to retain the said accommodation for another six months. Since, in the mean time, it would be possible to build a temporary shelter on a plot purchased <sup>by</sup> applicant No. 1

3. I have considered the matter carefully. It is an admitted position that Applicant No.1 is no longer in the employment of the Government and therefore he is not entitled to retain the said accommodation. Even now what he seeks is retention of quarter for another six months in order to enable him to build alternate accommodation. The services of Applicant No.1 were terminated as far back as on 30.4.1997. The law is well settled that no order of cancellation of allotment is required once a person retires or leaves the service. Further retention of the quarter in such a case can only be in accordance with the rules which permit retention only for limited period. The applicant obviously therefore has no claim whatsoever to continue in the quarter in question.

4. The learned counsel for the applicant submits that the impugned order is bad in law as the requisite notice, under Section 4 of the Public Premises Act, has

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not been issued. I find however from the impugned order that there is a reference to a letter of cancellation of allotment w.e.f. 1.3.1996 which was issued on 22.7.1997. That letter has not been annexed by the applicant. In any case, it would indicate that the applicants had been given sufficient notice of the cancellation of the allotment as far back as on 22.7.1997. The impugned order has been passed on 4.2.1998, i.e., after a period of nearly seven months. In the circumstances, I find no substance in the above argument that no notice was given to the applicants before issue of the impugned eviction order.

5. In the light of the above discussion, the OA is dismissed at the very threshold at the admission stage itself.

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

/rao/