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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 632/98

New Delhi: Dated: this the 3<sup>rd</sup> day of November, 1998

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

Shri K.N.Pant,  
S/o Shri D.D.Pant,  
working as Nursing attendant in Safdarjung Hospital,  
Ministry of Health & Family Welfare,  
New Delhi,  
and residing at J-146, Sector-IV, M.B. Road,  
New Delhi. .... Applicant.

(By Advocate: Shri B.Krishna)

Versus

Union of India  
through  
the Director of Estates,  
Directorate of Estates,  
4th Floor 'C' Wing, Nirman Bhawan,  
New Delhi.

2. The Estate Officer,  
Directorate of Estates,  
4th Floor 'C' Wing, Nirman Bhawan,  
New Delhi.

3. The Medical Superintendent,  
Safdarjung Hospital,  
Ministry of Health & F.W.,  
Sri Aurobindo Marg,  
New Delhi. .... Respondents.

(By Advocate: Shri D.S.Mahendru)

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns respondents' orders dated 27.2.98 (Annexure-A1) and dated 12.8.93 (Annexure-A2) and seeks regularisation of general pool Govt. Qr. No.J-146, Sector IV M.B. Road, New Delhi and alternatively for any accommodation in lieu thereof.

2. Applicant's father was allotted the aforesaid quarter sometime in 1988 when he was working as a Dresser under CGHS. He retired on

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superannuation on 30.9.91. Applicant was sharing the aforesaid accommodation with his father even since its allotment to the latter, and has not been drawing HRA since the date of his appointment as Nursing Attendant in Safdarjung Hospital on 22.11.90.

3. Respondents No.1 and 2 contend that the aforesaid general pool quarter cannot be regularised on adhoc out of turn basis in applicant's favour as applicant is holding <sup>1<sup>now</sup></sup> ministerial post, and only ministerial staff of Safdarjung Hospital are eligible for GPR in Delhi vide OM dated 27.3.97 (Annexure-R/1).

4. Respondent No.3 admits that applicant is eligible for accommodation from hospital pool, but contends that applicant is not entitled to apply for the same as persons appointed after 31.12.85 are not entitled to apply for inclusion of their name in waiting list for Type I accommodation.

5. In two other OAs bearing No.1257/96 Shri Sanjeev Joshi Vs. UOI & Ors. decided on 15.1.98 and No.818/96 Shri D.K. Sharma Vs. Secretary, L & B Deptt. Govt. of NCT of Delhi decided on 20.2.98 where the fathers of the applicants were allottees of Govt. accommodation other than in the general pool, and the applicants themselves upon securing appointment became entitled to accommodation within the general pool, the Tribunal had directed the respondents to consider in consultation with each other within a specified period, the question of inter pool transfer and thereupon decide the request of these applicants for regularisation of the accommodation on out of turn basis. Other

judgments have also been referred to by Shri Krishan in support of such a direction being issued in the present case. Nothing has been shown to me to suggest that the aforesaid judgments, particularly those in Joshi's case (supra) and D.K. Sharma's case (supra) have been stayed, modified or set aside.

6. Following the ratio in the aforesaid two judgments, this OA is disposed of with the direction that respondents No.1 and 2 will in consultation with Respondent No.3, consider the question of inter pool exchange of houses allotted to applicant's father and decide his request for regularisation of the aforementioned quarter on adhoc out of turn basis within 4 months from the date of receipt of a copy of this order. Till a decision is taken, applicant will not be evicted from the premises in question. This will be without prejudice to the right of respondents to claim license fee as per rules.

7. The OA is disposed of in terms of para 6 above. No costs.

*Arif Ali*  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

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