

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 98/1998

New Delhi: Dated this the 9<sup>th</sup> day of October, 1998.

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

Satish Kumar Kadamb,  
S/o Sh. Dalpat Singh,  
Asstt., S.O. Ministry of Human Resources &  
Development,  
D/o Youth Affairs and Sports,  
Parliament Unit,  
Shastry Bhawan,  
New Delhi

... Applicant.

(By Advocate: Shri U. Srivastava)  
Versus

The Deputy Direct of Estates (Estt.),  
Govt. of India, Directorate of Estates,  
Nirman Bhawan,  
New Delhi

..... Respondents.

(By Advocate: Shri Rajeev Bansal)

ORDER

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

Applicant seeks a direction to respondents to hand over to him Type II qr. No. 793 Sector V, R.K. Puram, New Delhi allotted to him vide order dated 12.11.97 (Annexure-A/1).

2. It is not denied that applicant's father who was the allottee of qr. No. 2 R Vasant Vihar, New Delhi retired from service on 31.5.95. Allotment of the aforesaid quarter was cancelled in his name w.e.f. 1.10.95, after allowing him retention for 4 months as admissible under rules. Applicant applied for regularisation of the aforesaid quarter on 28.6.95. After some correspondence (owing to the address given by applicant's father in his pension papers on the basis of which respondents initially took him to be a house owner in which case applicant's son would not have been entitled to out of turn accommodation), he was eventually allotted the aforementioned Type B quarter vide impugned order.

dated 12.11.97 subject to his clearing the dues in respect of Qr. No.2 R Vasant Vihar, New Delhi which by the date of its vacation on 22.11.97 had reached Rs. 68,700/-.

3. Applicant contends that he is not responsible for these dues and it is his father who is responsible for the same and recoveries, if any, should be made from his father. Respondents however contend that under S.R 317-B-22 (Annexure-M) possession slip in respect of the aforesaid quarter will be issued to applicant as soon as he clears the dues of the accommodation unauthorisedly retained by his father.

4. S.R. 317-B-22 reads as follows:

"When after an allotment has been cancelled, or is deemed to be cancelled under any provision contained in these rules, the residence remains or has remained in occupation of the officer to whom it was allotted or of any person claiming through him (emphasis supplied) such officer shall be liable to pay damages..."

5. In the present case clearly the applicant secured Type B accommodation on out of turn basis, on the ground that he was the son of the allottee of Qr.No.2 R Vasant Vihar, New Delhi with whom he was sharing the accommodation before the allottee (his father) retired on superannuation, and applicant in fact is required to give an undertaking that he will continue to accommodate his father along with himself in that accommodation. Under the circumstance I see nothing illegal, arbitrary, malafide or violative of Articles 14 and 16 of the Constitution in respondents' withholding issue

of occupation slip in respect of Type II quarter No. 793, Sector V, R.K.Puram to applicant, till the dues in respect of qr.No.2R Vasant Vihar are cleared, either by applicant himself or by his father who was the allottee of qr.No.2R, Vasant Vihar, New Delhi, if not immediately then atleast through suitable instalments, ~~to be~~ determined by respondents.

6. The OA stands disposed of accordingly in terms of para 5 above. No costs.

*Arulchige*  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

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