

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

O.A.No.1016/98

New Delhi, this the 11th day of November, 1998

HON'BLE MR. N. SAHU, MEMBER(A)

1. Shri Jai Prakash,
S/o Shri Jethwa Singh,
Aged 59 years,
Govt. Quarter No.120-F,
Sector-IV, M.B. Road,
New Delhi.
2. Shri Praveen Kumar,
S/o Shri Jai Prakash,
working as Sub Inspector of Police,
(Chowki Incharge),
Govindpuri Thana,
New Delhi. Applicants

(By Advocate: None)

Versus

1. Union of India,
represented through
the Secretary,
Land & Building Department,
(Estate Branch),
Govt. of National Capital Territory of Delhi,
Vikas Bhawan,
New Delhi-110002.
2. The Director of Estates,
Directorate of Estate,
4th Floor, C Wing,
Nirman Bhawan,
New Delhi. Respondents

(By Advocate: Shri Rajeev Bansal)

O R D E R (ORAL)

HON'BLE MR. N. SAHU, MEMBER(A)

Heard Shri Rajeev Bansal, 1d. counsel for respondents. On 3.11.98, the applicant was present in person. On that date, 1d. counsel for respondents waited for the whole day but the applicant's counsel did not turn up. Accordingly this case was adjourned for today. Today neither the applicant nor his counsel is present. In the circumstances of this case, after hearing the 1d. counsel for respondents and consulting

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the records, the O.A. is disposed of as under:

2. Prayer in this O.A. is for a direction to regularise allotment of quarter no.120-F, Sector IV, MB Road, New Delhi in the name of applicant no.2 from the date of cancellation in the name of applicant no.1 i.e. from 2.4.98. The background facts are as under.

3. Shri Jai Prakash, applicant no.1 retired from Govt. service on 31.7.97. The allotment was cancelled after the prescribed period of extension namely four months on 1.12.97. His son Shri Praveen Kumar works as a Sub-Inspector in Delhi Police. He applied for regularisation/ad-hoc allotment of this accommodation. On behalf of respondents, it is contended that the applicant is not entitled to regularisation because he himself owns a house in Delhi and for that reason, one of the conditions for ad-hoc allotment of Govt. accommodation is not satisfied. The matter was also before the Additional District Judge Delhi, who by an order dated 12.5.98 examined the factual matrix and stated that the applicant owned a house in Delhi and this has not been disputed. Claim for regularisation has been rejected after a careful consideration. The learned District Judge observed that the eviction of the applicant has been ordered after observing the due process of law and therefore upheld the proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

4. Shri Rajeev Bansal, I.D. counsel for respondents submits that non-gazetted officers of Delhi Police are not eligible for General Pool accommodation and therefore the request of Shri Praveen Kumar was rejected. Shri Bansal particularly pointed out that the

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eviction order dated 2.4.98 was passed by the Estate Officer after considering the facts of the case and giving proper opportunity to applicant no.1 Shri Jai Prakash. The appeal has also been dismissed.

5. I have carefully considered the submissions. One pre-requisite is that ward of allottee should be eligible for allotment from the general pool and the allottee should also not be a house owner. Both these conditions were not satisfied. That Shri Jai Prakash, applicant no.1 owns a house in Rohini has not been disputed even by the applicant no.2 ~~being~~ Working in an ineligible office and being also a house owner, he cannot claim for the facility of regularisation or ad-hoc allotment. That apart, the respondents have explained that although guidelines have been issued for inter pool exchange of Govt. accommodation with other departments to avoid dislocation but this facility is also not applicable to the applicant who is legally ineligible according to the O.M. dated 1.5.81. This O.M. stipulates the conditions of eligibility for general pool accommodation.

6. For the reasons stated above, there is no merit in this O.A. It is accordingly dismissed. No costs.

Niranjan Sahu
(N. Sahu)
Member (A)

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