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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

R.A.No.38/95.

in

O.A.No.1835/94

New Delhi : February 10, 1995

Udai Ram,  
s/o Late Shri Bali Ram,  
R/o C-96, Minto Road Complex,  
New Delhi.

2. Kishan Chand,  
s/o Udai Ram,  
IDC,  
Ministry of Communication,  
R/o C-96, Minto Road Complex,  
New Delhi.

....Applicants.

By Advocate: Shri K.B.S.Rajan  
Versus

1. Union of India,  
through Secretary,  
Ministry of Urban Development,  
Nirman Bhavan,  
New Delhi.

2. The Directorate of Estate,  
Nirman Bhavan,  
New Delhi.

3. The General Manager,  
Government of India Press,  
Minto Road,  
New Delhi.

.....Respondents.

By Advocate: Shri M.K.Gupta.

HON'BLE MR. S.R.ADIGE MEMBER(A).

ORDER(BY CIRCULATION)

In this review application bearing R.A. No. 38/95 dated 21.1.95 filed by Shri Udai Ram and one other, a prayer has been made to review order dated 18.1.95 in O.A.No.1835/94 'Udai Ram and one other Vs. UOI & others'.

2. In that O.A., the applicant No.2's prayer for regularisation of Quarter No.C-96, Minto Road Complex upon the retirement of his father Shri Udai Ram (applicant No.1), in whose name the said quarter stood allotted, was rejected and the O.A.was dismissed because that quarter belonged to Press Pool where Shri Udai Ram was working, while the applicant No.2

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was eligible only for General Pool Accommodation. It was noted that it was well settled that allotment/regularisation of accommodation on out of turn basis to wards of retired Govt. employees could take place <sup>only</sup> within the pool to which the Govt. functionary was entitled.

3. The grounds taken in the O.A. are that:-

i) Press Pool is not a distinct pool but falls within the General Pool, and General Pool and Press Pool are <sup>only</sup> divisions made for the convenience of the Central Government and it has no bearing and impact on the entitlement of the applicant No.2

in securing out of turn allotment, which is <sup>as a</sup> welfare measure. Support for this argument is sought to be drawn from the fact that it is the Directorate of Estates (Respondent No.2) which controls the General Pool Accommodation, to which the applicant No.2 was entitled.

ii) The only requirement is that the ward is entitled to Central Govt. quarter under the terms of his service conditions and that his parent must have an accommodation allotted to him by the Central Govt. In this <sup>parent</sup> case, all the conditions have been fulfilled.

iii) In certain other identical/similar conditions ward has been declared entitled to out of turn allotment of accommodation, notwithstanding the fact that the ward was entitled to an accommodation from a different pool while the parent was entitled/allotted an accommodation from a different pool. (Viz. O.A.No.1167/90,

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decided on 5.2.92 and O.A.No.1270/94, decided on 15.12.94.

iv) An alternative prayer had been made directing the respondents to allot an accommodation of Type II either in Gole Market Area or in any other nearby area Netaji Nagar or R.K.Puram, <sup>which was not considered.</sup>

4. None of these grounds bear scrutiny. Rules in Division 26B at Annexure 'B' relied upon by the applicant prescribe the allotment under Allotment of Government Residences (General Pool in Delhi) Rules, 1963 and the title itself shows that the Govt. of India Orders in which this prayer for regularisation of the accommodation has been made, is limited to general pool. No doubt, the respondent No.2 Directorate of Estates had issued a letter dated 6.5.94 cancelling the allotment of the quarter in the name of applicant No.1 Shri Udai Ram after his retirement but, they state, <sup>realising</sup> realising their error that they had no jurisdiction over Press Pool Accommodation, they withdrew that letter vide their subsequent letter dated 30.9.94, and this fact has not been challenged by the applicant in any rejoinder. Further more respondent No.3 (General Manager, Govt. of India Press) in his reply has also stated that the applicant No.2, who is employed in Communication Ministry, is entitled to get accommodation only in General Pool and is not entitled for regularisation of accommodation which stood allotted to his father from the Press Pool and the Delhi High Court in CW No.2927/89 had upheld these contentions made by them, which have also been

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affirmed by the Hon'ble Supreme Court that the accommodation in the press pool could neither be retained nor could be regularised in the name of the persons who were not entitled to Press Pool Accommodation. There is no rebuttal to this averment by the applicants either, in any rejoinder.

5. In this connection, it has been pointed out that the waiting list for Type II accommodation in the Press Pool is of 1972 while in General Pool Accommodation, it is dated 25.5.63 while applicant No.2 had been admitted to Govt. service only sometime in 1992, <sup>or thereabouts.</sup>

6. In so far as the judgments in two O.As relied upon by the applicant are concerned, copies of which have been annexed with the R.A., neither of them lay down any law on the subject and were passed having regard to the facts and circumstances of those particular cases. In the absence of any law being laid down, it cannot be said that the accommodation in the press pool allotted to a Govt. press employee who subsequently retired, may be regularised in the name of his son who is eligible only for general pool accommodation. In fact, the case of O.A.No.1270/04 cited by the applicant is quite different on facts because in that case, the applicant Smt. R.Bhatnagar was stated to be entitled for Type 'D' accommodation from Delhi Administration as well as the general pool. In other words, he was entitled to accommodation in both pools which is not the case here. Similarly, in O.A.No.1167/90 also R.P.Ramesh & another Vs. UOI, there is no finding that the persons entitled to general pool accommodation, are eligible for regularisation

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of press pool accommodation. No doubt, a direction had been issued in that O.A. to allot the applicant's suitable accommodation on adhoc basis or other/<sup>wise</sup> as per rules according to his entitlement till such allotment he had been allowed to remain in accommodation in question, but that direction also was issued on the facts and circumstances of that particular case and did not lay down any law on the point.

7. The applicant can claim no enforceable right for regularisation of accommodation from the press pool which stood allotted in the name of his father, and he also cannot claim any enforceable right to be allotted ~~to~~ any alternative accommodation, having regard to the fact that the running date of priority for Type 'B' accommodation to which the applicant is entitled in general pool is 25.1.63, while examining the applicant's case who joined ~~the~~ service barely 2-3 years back, we cannot be oblivious of the fact that there are persons who are waiting in the queue for this type of accommodation for over 30 years, merely because they are not before us.

8. In the result, no grounds have been made out to warrant any review of the judgment dated 18.1.95 and this review application is rejected.

*S. R. Adige*  
(S. R. ADIGE)  
MEMBER (A)

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