

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.2037/95
M.A.NO.2638/95

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

New Delhi, this 19th day of August, 1996

1. Smt. Kamla
Widow of Sh. Faqir Chand
Sweepers, G.B.Pant Hospital
NEW DELHI - 110 002.

22. Sh. Hukam Singh
Retd. Sweeper
Qtr. No.16/80 TI
Near Gas Plant, MAMC Complex
NEW DELHI - 110 002.

... Applicants

(By Shri R.L.Sethi, Advocate)

Versus

1. Union of India, through
The P.H.S. cum Joint Secretary
(Education), J.L.N.Complex Marg
NEW DELHI - 110 002.

2. The Medical Superintendent
G.B.Pant Hospital
NEW DELHI - 110 002.

... Respondents

(By Shri Raj Singh, Advocate)

O R D E R(Oral)

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

The Applicant No.1 is the daughter of Applicant No.2, Shri Hukam Singh who is allotted of Quarter No.16/80 TI MAMC Complex. The applicant No.2, retired from service on 31.3.1993. The Applicant No.1 who is a widow has been claimed that she has been staying with her father for the last many years. She is employed under the same respondents, and she is in all manner eligible for regularisation for quarter allotted to her father.

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She alleges however that her application for regularisation was rejected (vide Annexure A1). She was also informed by the respondents by order dated 15.3.1995 (Annexure A2) that her request was turned down because she did not fulfil the provisions of SR 317-B. It provides that only unmarried daughter is considered for allotting ad-hoc accommodation from general pool after the retirement of a Government servant subject to fulfilment of prescribed conditions. The applicant submits that respondents have ignored the fact that this Rule has been relaxed by Office Memorandum dated 17.12.1991. According to the said OM, married daughters of retiring official are also eligible for ad-hoc allotment of general pool accommodation.

2. The respondents in their reply have stated that the OM dated 17.12.1991 is not applicable as the applicant does not fulfil the requisite conditions prescribed under the said Office Memorandum.

3. I have heard the learned counsel for the applicant. He argues that the Office Memorandum dated 17.12.1991 (Annexure A6) extends the condition of the ad-hoc allotment of general pool to the married daughter of a retiring official, in case he does not have any sons or in case where married daughter is the only person who is prepared to maintain the parent(s) and the sons are not in a position to do so. In this context he relies on the Judgment of the Hon'ble Supreme Court in Civil Appeal No.2441/96 (Ms. Savita Samvedi and Another Vs. Union of India & Others. The Hon'ble Supreme Court in that case

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held that the Circular of Railway Board dated 11.8.1992 whereunder such regularisation is permitted and which is analogous to the Office Memorandum dated 17.12.1991 should be read in this manner from its initiation in favour of the married daughter as one of the eligibles, subject amongst others, to the twin conditions that she is (i) a railway employee; and (ii) the retiring official has exercised the choice in her favour for regularisation.

4. The learned counsel for the applicant submits that in the ratio of the above judgment, the applicant who is eligible otherwise for regularisation of the quarter should be allowed this facility since the original allottee has exercised the choice in her favour.

5. The learned counsel for the respondents ^{family} concedes that the married daughters are eligible for allotment and in terms of the ratio of the Supreme Court Judgment cited above, the original allottee can exercise the choice in favour of a married daughter if she is otherwise eligible. He submits further that other eligibility conditions regarding the Applicant No. 1, ^{not having been ascertained} he suggests that the respondents be directed to make the necessary enquiries before deciding the representation of the applicant.

6. I have considered the matter. There is no doubt that the applicant as a married daughter is eligible for ad-hoc allotment for regularisation of the quarter in question. However, it has to be verified that the other conditions ~~are~~ ^{are} whether she

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she has not claimed the House Rent Allowance for the period prescribed under the rules, has not been looked into. Accordingly, this application is disposed of with a direction that the respondents consider the representation of the Applicant No.1 on the basis that as a married daughter of the Applicant No.2, she is eligible for the allotment/regularisation of the quarter in question subject to fulfilment of the other prescribed conditions. The respondents will in this connection ask for further information, if any, that may be needed from the applicant within one week of the receipt of a copy of this order and decide the representation within one month of obtaining her reply thereafter.

7. It is made clear that in case the respondents decide the matter against the applicant, she will be at liberty to seek further relief in accordance with law. No order as to costs.

R. K. Ahuja
(R.K. AHUJA)
MEMBER(A)

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