

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH 7

OA No.2331/95

New Delhi, this 31st May, 1996

Hon'ble Shri B.K. Singh, Member(A)

Shri Vinod Kumar  
136, Lancer's Road  
Timarpur, Delhi

.. Applicant

(By Shri V.K. Malhotra, Advocate)

Vs.

1. The Director of Estates  
Nirman Bhavan, New Delhi

2. The Asstt. Director of Estates  
(Litigation)  
Nirman Bhavan, New Delhi

.. Respondents

(By Shri M.M. Sudan, Advocate)

ORDER(oral),

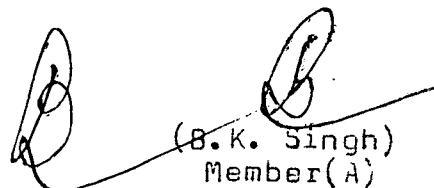
The applicant has challenged the order dated 24.11.95 (Annexure A) issued by second respondent. The admitted facts are that the applicant was appointed as LDC on compassionate ground after the death of his father. The father was allotted government quarter No.136, Lancers Road, Timarpur, which was regularised in the name of the applicant by letter dated 16.2.87 (Annexure B) subject to completion of some codal formalities by the applicant which he completed. He remained in occupation and kept on living in the said quarter and licence fee was regularly deducted from his salary. The reliefs prayed for in this OA are to quash the impugned order dated 24.11.95 and to declare the allotment as regular in view of the letter dated 16.2.87.



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2. On notice, the respondents filed the reply stating that the relevant file from which the order regarding regularisation of the quarter was issued is not readily available with them and the eviction proceedings might have been started in the absence of the relevant file. The applicant has filed an affidavit to the effect that the quarter was regularised in his name vide letter No.71/H-1/TBA dt. 16.2.87, which has been addressed to the applicant's department. It is further stated that as the directions, applicant failed to comply with the/completion of formalities in this regard could not be done in that 1987 with the result/the quarter stood in the name of applicant's father till date. It is admitted that licence fee in respect of this quarter is being regularly deducted from the salary of the applicant. This being so, the respondents have themselves agreed to regularise the quarter once the applicant complies the codal formalities required in this regard. However, the applicant has categorically stated that he has completed all the formalities and he has filed an affidavit to this effect also. Therefore, the respondents are directed to issue necessary order regularising the quarter in the name of the applicant from 16.2.87, the date from which, as admitted by both the parties, the quarter was earlier regularised. No damage rent will be payable by the applicant as a result of this regularisation. The order dated 24.11.95 is quashed and set aside. No order as to costs.

  
(B.K. Singh)  
Member(A)