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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.527/95

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member(A)
day of
New Delhi, this 11th /October, 1995

Shri Gopal Singh
s/o Shri Tej Singh
working as a Jamadar
in the Central Administrative Tribunal
Principal Bench
New Delhi
r/o Qr. No.D-545, Kidwai Nagar
NEW DELHI.

... Applicant

(By Shri B.Krishan, Advocate)

Versus

Union of India, through the

1. The Director of Estates
Directorate of Estates
4th Floor, 'C' Wing
Nirman Bhawan
NEW DELHI.

2. The Secretary
Rajya Sabha Secretariat
Sansadiya Saudh
Sansad Marg
NEW DELHI.

... Respondents

(By Shri B.Lal, Advocate)

ORDER (Oral)

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

The applicant is working as Jamadar
in the Principal Bench, Central Administrative
Tribunal, New Delhi since 18.12.1986. His

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father, Shri Taj Singh who was working as attendant in Rajya Sabha Secretariat was allotted the Quarter No.D-545, Kidwainagar from General Pool of accommodation in the year 1965 (Annexure A-2). The applicant ever since he was appointed as Central Government servant was staying with his father and he did not draw House Rent Allowance. The father of the applicant retired on 31.10.1994. The applicant has filed this application for a direction to the respondents to regularise the quarter No.D-545, Kidwainagar which was originally allotted to his father in his name, as he is entitled under the rules for such regularisation and as also he fulfilled all the conditions mentioned in the order dated 1.5.1981 (Annexure A-6) in that regard.

2. The respondent No.2 though served notice did not appear. Shri B.Lal, counsel for the respondent No.1 appeared. The first respondent has filed reply contending that the quarter in question having been placed at the disposal of the Rajya Sabha Estate from 12.5.1988, it is no more with the first respondent and therefore, the same cannot be regularised in the name of the applicant, as the applicant is not entitled to be allotted a quarter from the Rajya Sabha Pool. The respondents No.1 contend that the applicant has no right to claim regularisation of the quarter in his name since it does not belongs to General Pool of Accommodation.

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3. As the pleadings in this case are complete and issue involved being simple, learned counsel on either side suggested that this case can be disposed of finally at the admission stage itself. Therefore, we are proceeding to hear and to dispose of this case finally at the admission stage itself. We have carefully gone through the pleadings in this case and heard Shri B.Krishan, learned counsel for the respondents. Learned counsel for the respondents brought to our notice a ruling of the Hon'ble Supreme Court in Shri G.C.Aggarwal's case in which the order of the Tribunal for allowing son of Shri Aggarwal to retain the accommodation till the quarter is allotted to him from the pool of the Postal Department was set-aside by the Hon'ble Supreme Court on the ground that the s/o Shri Aggarwal who was entitled to accommodation from the Postal pool alone had no right to claim regularisation of the quarter allotted to his father from the General Pool of accommodation. Seeking support from the above ruling, learned counsel for the respondent, Shri B.Lal argued that in this case also the applicant who is entitled to allotment of quarter from the General Pool alone, is not entitled to have quarter which belongs to the Rajya Sabha Pool, regularise in his name. Going through the facts of the case, we find that there is little in common between the case of Shri G.C.Aggarwal and the case on hand. In this case, the quarter allotted to applicant's father

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belonged to the General Pool of accommodation, when it was allotted. If the same had not been subsequently transferred to separate pool of Rajya Sabha, the applicant who had been residing with his father and forgoing the House Rent Allowance would have been entitled for regularisation of the quarter, in his name on the retirement of his father. It was only because of the transfer of the quarter from the General Pool to the Rajya Sabha Pool that it is concluded that the applicant cannot claim regularisation of the quarter on his name. We are of the considered view that the change in circumstances should not jeopardise the legitimate claim of the applicant for regularising the quarter in his name. Now, that the quarter has gone out of the General Pool to the Rajya Sabha Pool, the situation can be sorted out by the first respondent either allotting another quarter to the Rajya Sabha Pool, in exchange regularising the quarter in the name of the applicant or by giving the applicant another quarter of the same type. In the result, the application is disposed of with the following directions:

- a) The respondents shall regularise the quarter in which the applicant is residing in his name allotting another quarter of the same type from the General Pool to the Rajya Sabha Pool in exchange.

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b) If the direction at (a) above is not found feasible, the respondents shall allow the applicant to continue in the quarter in which he is presently residing until another quarter of the same type ^{from the same pool} is allotted to him on payment of the normal licence fee.

c) There is no order as to costs.

R. K. Ahooja
(R.K. AHOOJA)
MEMBER (A)

A. V. Harijagan
(A.V. HARIJAGAN)
VICE-CHAIRMAN (J)

/RAO/