

(R)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

D.A.NO.542 of 1995

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

New Delhi, this 03rd day of November, 1995

1. Toekay Lal  
C/o Shri Dayanand  
Mono Caste Operator - I  
Quarter No.1F, Daftary Type-I  
Press Road, Minto Road  
NEW DELHI.
2. Shri Dayanand  
Mono Caste Operator  
Quarter No.1F, Daftary Type-I  
Press Road, Minto Road  
NEW DELHI. .... Applicants

(By Shri Sarla Chandra, Advocate)

Versus

Union of India through:

1. The Deputy Director  
Director of Printing  
Nirman Bhavan,  
NEW DELHI.
2. The Manager,  
Govt. of India Press  
Minto Road  
New Delhi.
3. The Estate Officer  
Govt. of India Press  
Minto Road  
New Delhi.
4. The Secretary  
Ministry of External Affairs  
South Block  
NEW DELHI. .... Respondents

(By Shri B.Lal, Advocate)

D R D E R (Oral)

The first applicant, Shri Toekay Lal ~~who is~~ is an employee of Ministry of External Affairs and also <sup>is</sup> ~~is~~ son of the Second applicant Shri Dayanand, who

..... 2/-

(9)

retired from service of Government of India Press, Minto Road on 30.4.1994. The <sup>first</sup> applicant states that he and his family have been living with his father <sup>ever</sup> since his birth and even after obtaining a job with the Ministry of External Affairs since 19.12.1986. On the retirement of the Second applicant, the first applicant applied for the regularisation of the allotment of Government quarter No.1F, Press Road, Minto Road, Daftry Type-I, New Delhi which had been allotted to the second applicant, vide his representation dated 06.10.1994. In reply to his representation, and with reference to M/o External Affairs letter dated 01.02.1995, for regularisation of the said quarter, he was informed by the Government of India Press that the regularisation of the quarter was not possible in cases where the dependent of the retired Government Press employee is employed in another Government office. Various other representations made to the Estate Officer by applicant No.1 did not result <sup>in</sup> any favourable response and vide their letter dated 10.3.1995, the Estate Officer asked applicant No.2 to vacate the quarter No.1F within 15 days. It is against this impugned order that the applicant <sup>has</sup> filed this application seeking that the applicant No.1 and 2 be allowed to continue living in aforesaid Government of India Press accommodation, on payment of normal licence fees till an allotment of quarter is made to the first applicant from the General Pool of the Ministry of External Affairs or the aforesaid quarter is regularised in his name. Alternatively, the applicants have sought relief by way of a direction to Respondent No.4 to allot a quarter to the first applicant immediately <sup>and</sup> till then to allow the applicants 1 and 2 to continue in the Government of India Press accommodation.

2. The respondents have contested this claim on the ground that the said quarter is a part of the separate pool of Government of India Press and as the first applicant is working in the

.....3/-

M/

Ministry of External Affairs, he is not entitled for the allotment of Government of India Press Pool Accommodation. It is also stated that the quarter in question was allowed to be retained by the second applicant for the concession period of 8 months i.e. four months on normal licence fee and thereafter four months on twice the normal licence fee, which has expired on 31.12.1994 and thereafter, on expiry of the period the retention of said quarter by the second applicant is illegal and unauthorised.

3. I have heard the learned counsel for the applicant, ~~Smti. Kavita~~ and ~~Shri~~ ~~Shri~~ B.Lal, counsel for the respondent 1 and 3. The counsel

for the applicant has drawn attention to a letter written by Ministry of External Affairs to the Assistant Director, Directorate of Estates dated 4.4.1995 whereby the Directorate of Estates has been requested to allot the first applicant Type-I accommodation in General Pool on an out of turn basis in view of the fact that the applicant is having the responsibility of looking after a large family of about 10 to 11 members. The learned counsel for the applicant has also stated that in similar other cases the Tribunal had allowed the retention of the accommodation of one pool even if it was not allotted from the appropriate pool.

4. The learned counsel for the respondents has stated that it is not possible for the Government of India Press to allow the allotment of accommodation to employees of other departments. As regards the argument advanced regarding similar other precedent cases, wherein the retention of the accommodation on similar circumstances was allowed, he has drawn attention to several judgment of the Hon'ble Supreme Court in cases relating to

.....4/-

D

11

- 4 -

Mr. M.S.Sachedeva, Dr. M.S.Sirohi, Smt. A.S.Balasubramanian  
Shri G.C.Aggarwal and Others. In Mr. G.C.Aggarwal's case  
the Hon'ble Supreme Court has held that the Tribunal was  
not justified in issuing the directions for retention of  
the accommodation of one pool pending allotment of alternative  
accommodation from the General Pool.

5. Considering the fact that the first applicant is not  
an employee of the Government of India Press from whose pool  
the accommodation was allotted to the second applicant, it is  
not possible to grant the relief in respect of regularisation  
of the allotment to the first applicant. Learned counsel  
for the applicant submitted that pending consideration of the  
representation of Ministry of External Affairs for out of  
turn allotment, the first applicant may be allowed to retain  
the present accommodation. This again is not possible  
keeping in view the observations made by the Hon'ble Supreme  
Court in the afore mentioned cases cited by the counsel for  
the respondents. The relief<sup>s</sup> prayed for by the applicant are  
therefore ~~are~~ not possible to grant. This application is  
therefore, dismissed but I express the hope that the Directorate  
of Estates will take an early decision on the request made  
by the Ministry of External Affairs, considering the  
circumstances of the applicant. There is no order as to costs.

*R.K. Ahuja*  
(R.K. AHOOJA)  
MEMBER(A)

/RAO/