

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1151/95
T.A. No.

199

DATE OF DECISION

Sh. C.P. Singh

Petitioner

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Advocate for the Petitioner(s)

Versus

Union of India and others

Respondent

Shri M.M. Sudan

Advocate for the Respondent

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The Hon'ble Mr.s. Lakshmi Swaminathan, Member (J)

The Hon'ble Mr.

1. To be referred to the Reporter or not? *ye* *X*

2. Whether it needs to be circulated to other Benches of the Tribunal

Lakshmi S.

(Smt. Lakshmi Swaminathan)

Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A. No. 1151/95

Date of decision 14.10.96

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri C.P. Singh
son of Late Shri P.N. Singh,
working as a peon in the National
Archives, Janpath, New Delhi
and residing at 2/18, DMS Colony,
Hari Nagar, New Delhi

(None for the applicant) ... Applicant

Vs.

1. Union of India, through the
Director of Estates,
Directorate of Estates,
Nirman Bhawan, New Delhi.
2. The General Manager,
Delhi Milk Scheme,
Ministry of Agriculture,
West Patel Nagar, New Delhi.

(By Advocate Sh. M. M. Sudan) ... Respondents

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

This is a part heard case and is listed at serial No.1 in the regular list of today, i.e. 14.10.96. I waited till 3PM but none has appeared on behalf of the applicant. None had ^{also} ~~ever~~ appeared on behalf of the applicant on 7.10.1996.

2. On 18.9.96, Shri Krishan, learned counsel for the applicant had sought one day adjournment to bring the relevant rules and instructions regarding allotment of alternative accommodation on normal rent to the surplus staff transferred to other departments. Neither the applicant nor his counsel is present today nor have the relevant rules and instructions been placed on record.

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3. In the above circumstances, I have heard Shri M.M.Sudan, learned counsel for the respondents and carefully perused the records.

4. The brief facts of the case are that the applicant who had been allotted Govt. residence bearing No. 2/18, DMS Colony, New Delhi (Hari Nagar) while he was in service with the D.M.S. was declared surplus w.e.f. 9.3.92. Thereafter, he joined the National Archives of India, Janpath, New Delhi on 10.3.1992. The applicant has filed this application seeking a direction to the respondents to allot an alternative accommodation to the applicant from the Genl. Pool and further direction to the respondent 2 to allow the applicant to continue to reside in the present quarter till such time he gets the alternative accommodation.

5. As mentioned above, the applicant has failed to place on record any relevant rules/instructions regarding allotment of alternative accommodation on normal rent to the surplus staff transferred to other departments.

6. The respondents have, in their reply submitted that even though the applicant might have been allotted accommodation in the category of Essential Staff while he was in the DMS, that does not hold good as far as the allotment of General Pool accommodation is concerned. According to Respondent 1, the applicant is now entitled to Genl. Pool accommodation in accordance with the date of his priority which will be considered along with other situated persons. In the impugned letters dated 5.7.94 and 15.6.94, the respondents have rejected this request for allotment of alternative accommodation in the Genl. Pool as it is not in accordance with the existing Govt. policy/guidelines. It is also relevant to mention that the present OA is the second case of the earlier O.A. 2801/92 (C.P.Singh Vs. U.O.I. & Ors)

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decided on 7.7.93 in which the Tribunal had directed Respondent No.1 to consider the applicant's case for allotment of a quarter of entitled category/next below category on ad hoc basis in accordance with the rules/instructions.

7. In the above facts and circumstances of the case, it is clear that the respondents have considered the request of the applicant in accordance with the rules and instructions. Further, in the absence of any specific rule ~~or~~ and instruction to allot the applicant an alternative accommodation in the Genl. Pool accommodation which is not according to his date of priority, the relief prayed for by the applicant cannot be granted. There is, therefore, no merit in this application. It is accordingly dismissed. No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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