

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

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

199

DATE OF DECISION

Sh. C.P. Singh

Petitioner

NONE

Advocate for the Petitioner(s)

Versus

Union of India and others

Respondent

Shri M.M. Sudan

Advocate for the Respondent

## CORAM

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

The Hon'ble Mr.

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

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

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

14

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,  
Birman 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

O R D E R (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 <sup>also</sup> ~~even~~ 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.

13

15

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 <sup>a</sup> 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 <sup>was</sup> in the category of Essential Staff while he/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 <sup>similarly</sup> <sup>VS</sup> situated persons. In the impugned letters dated 5.7.94 and 15.6.94, the respondents have rejected his 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 <sup>one being</sup> <sup>VS</sup> of the earlier O.A. 2801/92 (C.P.Singh Vs. U.O.I. & Ors)

16

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 ~~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)