

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

11

O.A. No. 1367/96

Date of decision 23.12.96

Sh.Kuldeep Singh

.... Petitioner

Mrs Meera Chhibber

..... Advocate for the petitioner

Vs.

Union of India and ors

.... Respondents

Ms Sumbul Rizvi Khan

.... Advocate for the respondents

CORAM

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

1. To be referred to the Reporter or not? *ye*
2. Whether it needs to be circulated to other Banches of the Tribunal? *X*

*Lakshmi Swaminathan*  
(Smt.Lakshmi Swaminathan)

Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

12

QA 1367/96

Date of decision 23.12.96

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

Sh. Kuldeep Singh  
son of Late Shri Jaswant Singh  
r/o A-179, Kidwai Nagar,  
New Delhi.

... Applicant

(By Advocate Mrs Meera Chhibber)

Vs.

1. Union of India through its Secretary,  
Ministry of Urban Affairs and Employment,  
Nirman Bhawan, New Delhi.
2. The Estate Officer,  
Directorate of Estates,  
Nirman Bhawan, New Delhi.

... Respondents

(By Advocate Ms Sumbul Rizvi Khan)

O R D E R (ORAL)

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

The applicant has filed this application under Section 19 of the Administrative Tribunals Act., 1985 seeking a direction to the respondents i.e. Directorate of Estates, M/O Urban Affairs and Employment, Nirman Bhawan, New Delhi to regularise in his name quarter No. A-179, Kidwai Nagar by permitting the exchange of this Genl. Pool Accommodation which is under the respondents administration with <sup>a</sup> vacant quarter belonging to the Delhi Police. Pool.

2. The brief facts of the case are that the applicant was appointed as Constable in Delhi Police on 8.7.1988. According to him, he is entitled to type-II house of the Delhi Police. The applicant's father who was working as Foreman in <sup>the</sup> National Airport Authority, which was earlier under the Civil Aviation Department had been allotted type-II accommodation, referred to above, in Kidwai Nagar, New Delhi. The applicant's father died

13

on 20.12.1994 . The applicant submits that his mother is also a heart patient and requires medical treatment in <sup>the</sup> All India Institute of Medical Sciences <sup>which is</sup> situated near to Kidwai Nagar. He, therefore, had made <sup>a</sup> request to the respondents to regularise the aforesaid quarter in his name by exchange of a similar type quarter belonging to the Delhi Police on medical grounds.

3. Mrs Chhibber, learned counsel for the applicant submits that throughout, the respondents had responded to the aforesaid request made on behalf of the applicant by the competent authority of Delhi Police favourably as seen from the letters placed at Ann. A-2 - Ann. A.4. In particular, she has pointed out that the Delhi Police authorities had <sup>placed</sup> ~~offered~~ a vacant <sup>Pool</sup> Police/quarter type-II, <sup>B/</sup> Qr.No.17, Darya Ganj, New Delhi at the disposal of the respondents in exchange for the aforesaid quarter at Kidwai Nagar. These facts have not been denied by the respondents, who have in fact submitted that they inadvertently did not send <sup>the</sup> formal communication to the applicant that they were not in a position to actually carry out the exchange as requested. Learned counsel, therefore, submits that if such <sup>a</sup> communication has been received by the applicant well in time, he could have pursued the matter with the police authorities.

4. The respondents have filed their reply. I have also heard <sup>B/</sup> Sumbul Rizvi Khan, learned counsel for the respondents. The main contention of the respondents is that non gazetted staff of Delhi Police who are serving in Delhi only have got their own Pool Accommodation in various police colonies in Delhi. Therefore, the applicant does not fall within the eligibility criteria for allotment of Genl. Pool Accommodation and hence his request for exchange of quarter cannot be acceded to as per the extant rules.

5. I have carefully considered the facts of the case as well as pleadings and submissions made by the learned counsel for both the parties.

14

6. It is an admitted fact that the applicant's father died on 12.11.1994 and he had made representation to the police authorities for regularisation of the quarter allotted to the father at Kidwai Nagar. It appears that the Police authorities have no objection if the Govt. quarter No. A-179, Type-II, Kidwai Nagar is regularised in the applicant's name, in exchange for which they are willing to offer one of their own Police pool quarter i.e. No. 17, Darya Ganj, Police Station which is lying vacant. The applicant, however, has not impleaded the Delhi Police as one of the respondents, but the offer made by the Police authorities to the respondents is clearly beyond the purview of the relevant rules relied upon by the respondents. The applicant is a non gazetted police staff and he is, therefore, not entitled for allotment or regularisation of any general pool accommodation in Delhi, where admittedly Police Pool quarters are available. In the facts and circumstances of the case, there is no merit in this O.A. and it is liable to be dismissed.

7. However, taking into account the admitted position by the respondents that they had themselves inadvertently failed to communicate the rejection of the request well in time, for which they have apologised, it would only be in the fitness of things if the respondents allow the applicant to stay in the quarter No. 179, Type-II, Kidwai Nagar for a further period of one month from the date of communication to the Delhi Police authorities the correct position under the rules, that they are unable to accept the applicant's request for exchange of the quarter, and also leave it open to the latter to allot a suitable accommodation from their pool to the applicant near to the AIIMS, as earlier recommended by them. It is made clear that the applicant shall vacate and hand over possession of the quarter No.A-179, Kidwai Nagar to the respondents as directed above as per rules.

8. In the result this application is disposed of with the above directions. Let a copy of this order be given to both the parties immediately.

9. No order as to costs.

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