

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A./T.A. No. 1469/96 /19

Decided on: 7-10-1996

Sh. Sandeep Singh Chauhan APPLICANT(S)
(By Shri B. Krishan Advocate)

VERSUS

Director of Estates and Ors. RESPONDENTS
(By Shri B. Lall Advocate)

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CO RAM

THE HON'BLE Smt. Lakshmi Swaminathan, Member (J)

THE HON'BLE SHRI/SMT./DR.

1. To be referred to the Reporter or not? *yes*
2. Whether to be circulated to other Benches *X*
of the Tribunal ?

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

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Central Administrative Tribunal
Principal Bench.

O.A. 1469/96

New Delhi this the 7th day of October, 1996.

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

Shri Sandeep Singh Chauhan,
S/o Shri J.M.S. Chauhan,
Storekeeper,
Armed Forces Transfusion Centre,
Directorate General Armed Forces
Medical Services,
New Delhi.

...Applicant.

By Advocate Shri B. Krishan.

Versus

1. The Director of Estates,
Directorate of Estates,
4th Floor, C Wing,
Nirman Bhawan,
New Delhi.

2. The Estate Officer,
Directorate of Estates,
4th Floor 'B' Wing,
Nirman Bhawan,
New Delhi.

..Respondents.

By Advocate Shri B. Lall.

O R D E R (Oral)

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

Both the learned counsel heard..

2. The applicant's father retired from service (AFTC) of Armed Forces Transfusion Centre / on medical grounds w.e.f. 28.2.1993. The applicant, son of the retired employee Shri J.M.S. Chauhan, was appointed in the same office, namely, AFTC, on 24.5.1993, his appointment order being 19.5.1993. In the letter dated 21.3.1995 issued by the AFTC (Annexure A-4), it is stated that the applicant was appointed on compassionate grounds in place of his, ~~that~~ ^{his} father, in the same Centre.

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The applicant had immediately after joining as Store Keeper in AFTC applied for regularisation of the Government accommodation which had been earlier allotted to the father. The respondents by their letter dated 15.5.1996, with reference to the applicant's letter dated 9.3.1996, which is also on the subject of regularisation of the Government quarter allotted to his father, rejected it on the ground that the AFTC, Ministry of Defence, is not eligible for General pool accommodation as per ^{the} allotment rules. Thereafter, on 3.7.1996 an eviction order has also been passed by the respondents. The applicant has filed this application challenging the rejection letter dated 15.5.1996 and the eviction letter dated 3.7.1996.

3. The main ground taken by the respondents in their reply is that by their Office Memorandum dated 26.10.1993 (Annexure R-5), the AFTC is not one of the eligible offices the employees of whom can be allotted General Pool accommodation, although it is not denied that prior to this date this Centre was so eligible.

4. Admittedly, the applicant had first applied for regularisation of the quarter allotted to his father, namely, J-904, Park Street, Mandir Marg, New Delhi, in his application dated 15.6.93 and had followed it up with a subsequent representation which, as mentioned above, was rejected by the letter dated 15.5.1996. It is also an admitted fact that till the passing of the letter dated 26.10.1993 by the respondents, the employees

of this office were eligible for General Pool accommodation. Therefore, the respondents ought to have considered the request made by the applicant for regularisation in accordance with the then existing rules, as nothing has been brought on record to show that the O.M. dated 26.10.1993 is to apply with retrospective effect.

5. In the facts and circumstances of the case, this O.A. succeeds. The impugned order dated 15.5.1996 and 3.7.1996 are accordingly quashed and set aside. Respondent 1 is directed to consider regularisation of the quarter, in question, taking into account the representation made on 15.6.1993 in accordance with the existing rules prior to 26.10.1993. This shall be done within a period of one month from the date of receipt of a copy of this order. No order as to costs.


(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'