

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1561/96
T.A. No.

199

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DATE OF DECISION 31.12.1996

Smt. Janki Devi & Ors

Petitioner

Shri Rao Yash Pal Singh

Advocate for the Petitioner(s)

Versus

Secty. Ministry of Human Resources
and Development and ors

Respondent

Shri S.M. Aif

Advocate for the Respondent

CORAM

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

The Hon'ble Mr.

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

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
NEWDELHI.

O.A. 1561/96

Date of decision 31.12.1996.

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

Smt. Janki Devi widow of late Shri
Baljeet Singh resident of H.No.2/3, Pushp
Vihar, Sector-1, New Delhi.

2. Smt. Veena daughter-in law of late
Shri Baljeet Singh, ANM, Govt. of India
Rural Health Training Centre, Nazafgarh,
New Delhi.

(By Advocate Shri Rao Yash Pal Singh)

... Applicants

Vs.

Union of India, through

1. The Secretary,
Ministry of Human Resources Development,
Department of Education, 'C' Wing,
Shastri Bhawan, New Delhi.

2. The Officer-in-Charge,
Govt. of India, Ministry of Health and
Family Welfare, Rural Health Training
Centre, Nazafgarh, New Delhi.

3. Estate Officer,
Department of Estates Officer and
Assistant Director of Estates (Litigation)
Directorate of Estates, Nirman Bhawan,
New Delhi.

... Respondents

(By Advocate Shri S.M. Arif)

ORDER (ORAL)

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

The applicants are aggrieved by the action of the respondents in not considering the regularisation of the Govt. quarter No. 2/3, Pushp Vihar, Sector-1, New Delhi which had been earlier allotted to the husband of applicant No.1/ father-in law of applicant No.2, and the order of eviction passed on 4.6.96 (Annexure A-1).

2. The brief facts of the case are that the applicant No.1's husband, Shri Baljeet Singh, ~~was~~ ¹⁸ while working with respondent 1 as UDC had been allotted ^{the} aforesaid quarter which he and his family occupied. Shri Baljeet Singh had since expired on 28.3.1994, leaving behind three sons, namely, Sh. Surender Pal Singh (husband of applicant No. 2), Satish Kumar

(b)

and Ravinder Kumar and widow (Applicant No.1). Applicant No.2 was appointed as ANM with respondent 2 w.e.f. 17.10.90. According to ~~the~~ applicant No.1, applicant No.2 is entitled to General Pool Accommodation /regularisation of the quarter which was earlier allotted to her deceased father-in law.

Shri Rao Yash Pal Singh, learned counsel for the applicants ^{of accommodation} has relied upon the relevant provisions under ad hoc allotment in the name of near relation in respect of regularisation of the quarter in the name of applicant No.2(Annexure R-2).

3. One of the conditions under which ad hoc allotment ^a can be made in the name of ^{the} near relation is that ^{the} eligible dependant(near relation) should be a Government servant entitled for General Pool Accommodation ^{who had been residing} with the deceased officer concerned" for atleast six months prior to the allottee's death." Learned counsel for the applicants submits that in the Ration Card issued to the family of the applicants dated 14.8.91, applicant No.2's names appears at sl.No.8. He has also referred to the appointment letter which has been addressed to her at the above address at Saket. Another document relied upon by the applicant is ^{the} Electoral Card issued on 5.4.94 in which the applicant No.2's name appears and shows the address that she resides at the quarter in question.

4. Respondents have filed their reply and I have also heard Shri S.M. Arif, learned counsel for the respondents. In the reply on behalf of Respondent 2, it has been stated that their employees are not entitled for Genl.Pool Accommodation as they have got their own residential accommodation. Further, it has also been mentioned that applicant No.2 has not applied for any residential accommodation to Respondent No.2 till date. From the reply on behalf of Respondent No.3, it is seen that the applicant has not made any application to them for regularisation of the quarter in the name of applicant No.2, in addition to the other grounds taken by them. No rejoinder has been filed by the applicants controverting the facts stated by

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the respondents, Shri Arif, learned counsel has submitted that in fact applicant No.2 does not fulfill the conditions for ad hoc allotment or regularisation of the residential accommodation which has been earlier allotted to her father-in law in her name. He submits that it is evident from the letter dated 22.8.95 of one Shri Jai Bhagwan Jatav addressed to the Hon'ble Minister of Human Resources and Development, Govt. of India, that applicant No.2, wife of Shri Surinder Pal Singh, was not residing in the quarter allotted to the father in law but residing separately at B-91/1, Tigri, Ext. Sangam Vihar, New Delhi. For these reasons he has submitted that there is no merit in this application and the interim order granted on 3.9.96 may be vacated.

5. I have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

6. The applicant No.2 is working as ANM with the Rural Health Training Centre, Najafgarh, New Delhi since 1990. According to the reply by her employer i.e. respondent No.2, she has neither applied for any residential accommodation so far nor she is entitled for Genl. Pool Accommodation, to which the quarter in question allotted to her father-in-law belongs. The letter filed by the applicants themselves of one Shri Jai Bhagwan Jatav addressed to the Hon'ble Minister of Human Resources and Development dated 22.8.95 in which the request of applicant No.1 for appointment of her other son, namely, Shri Ravinder Kumar, on compassionate grounds has been made is relevant. It has been stated in that letter that her elder sons have got independent family and one of her sons, Shri Surinder Pal (Husband of applicant No.2), is a peon in a private school and residing at B-91/1, Tigri Extension, Sangam Vihar, New Delhi. The Ration Card relied upon by the applicants is dated 14.8.91, the Electoral Card is dated 5.4.94 and the appointment letter is dated 17.10.90. None of these documents relied upon by the applicants can be stated to categorically show that applicant

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No.2 had in fact resided with the deceased father-in law for at least six months prior to his death on 28.3.94.

7. Apart from the above, the letter of 22.8.95 referred to above also mentions the fact that applicant No.2 and her husband are living separately which fact has not been denied by the applicants. In addition, applicant has also failed to establish that under the relevant rules, she is entitled for Genl. Pool Accommodation and hence her claim for regularisation of the quarter No.2/3, Pushp Vihar, Sector-I is also without any merit.

8. Another relevant factor is that before the impugned order dated 4.6.96 directing the applicant to vacate the Govt. accommodation was issued, the applicants have been given an opportunity of hearing by the respondents as it is evident from the show cause notice filed at Annexure A-II.

9. Therefore, taking into account the facts and relevant rules, the impugned eviction order dated 4.6.96 cannot be faulted either on substantive grounds or procedurally which would warrant any interference in the matter. In the result, the application fails and is dismissed. The interim order dated 3.8.96 stands vacated.

No order as to costs.

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

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