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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 1607/96

54th

New Delhi this the th day of August, 1996

Shri Babon,
Hawldar,
S/o late Shri Hari Mohan,
R/o 72-P/S-IV, M.B. Road,
New Delhi.

..Applicant.

By Advocate Shri George Paracken.

Versus

Union of India - through:

1. Directorate of Estates,
Nirman Bhawan,
New Delhi.
2. Estate Officer,
Directorate of Estates,
Nirman Bhawan,
New Delhi.
3. The Accounts Officer, AG(A),
Ministry of Defence,
Office of J.S. (T&G) & CAO,
C-II, Hutmants, DHQ PO,
New Delhi.

..Respondents.

O R D E R

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

The applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985, on the grounds that he is aggrieved by the letter No. 72.P/SIV/MBR/T.B.(A)/92 dated 14.5.1996 by which his request for regularisation of Quarter No. 72-P/S-IV, M.B. Road, New Delhi was rejected by Respondent No. 1 by a non speaking order (Annexure A). He is also aggrieved by the threat of eviction from the quarter, on the basis of the eviction order said to have been passed which, he states, has not been served on him so far. He further submits that the eviction squad has visited his residence on 21.7.1996. In the circumstances, the applicant submits that he apprehends eviction from the quarter.

2. In the application, the applicant has submitted that the respondent has not examined the application submitted by the applicant in the prescribed proforma for ad hoc allotment of a suitable type of accommodation while rejecting his claim by the impugned order dated 14.5.1996. In the circumstances, the applicant has, inter alia, sought the following reliefs:

"(i) Direct the respondents to consider the application of the applicant dated 29.2.1996 duly forwarded by Respondent No. 3 in terms of orders contained in the O.M. dated 13.4.89 as the appointment of the applicant was made after expiry of 12 months from the date of death of the applicant's father.

(ii) Direct the Respondent No. 1 to allot a Type-II accommodation to the applicant on extreme compassionate grounds as he has the responsibility to look after his family including the widow of the ex allottee of Qr. No. 72P, Sector IV, M.B. Road, N.Delhi."

3. He has also sought an interim relief to the effect that pending final decision of this application, the respondents may be restrained from evicting the applicant from the aforesaid quarter.

4. I have considered the application carefully. The relief sought in the application is for a direction to the respondents to consider the application of the applicant dated 29.2.1996, which the learned counsel clarified should read as the representation of 29.3.1996. The respondents have already dealt with the representation vide their letter dated 14.5.1996 in which they have stated/that the applicant's case is not covered under the rules. The applicant has also stated in the application that he had been appointed as LDC w.e.f. 22.8.1995 i.e. more than 12 months after the death of the father and that allotment of the quarter which had been allotted to the father had been cancelled w.e.f. 12.4.1995. There is no material on record to show what action, if any, the applicant had taken against the cancellation of the allotment

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of the quarter w.e.f. 12.4.1995. Having considered the facts and the rule position, therefore, the applicant has failed to establish a *prima facie* case to entitle him to the reliefs claimed in this O.A. It is also clear that in terms of the relief, prayed for in para 8(i), namely, to direct the respondents to consider his representation dated 29.3.1996, this has already been done by the respondents and, therefore, nothing further survives in this prayer. The applicant has also submitted that no order of eviction has been served on him so far which does not appear to be correct. It is seen that in the impugned order dated 14.5.1996 the applicant has been directed to vacate the quarter immediately after clearing the dues and it cannot, therefore, be stated that he has not received any eviction order so far.

5. In the result, this application is dismissed at the admission stage itself. *No costs.*

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'