

Central Administrative Tribunal  
Principal Bench: New Delhi

OA 1723/96

New Delhi this the 12th day of December 1996

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

T.K.Biswas  
Son of late S.N.Biswas  
R/o Quarter No. C-II  
CPWD Enquiry Office  
I.A.R.I.  
New Delhi- 110012.

...Applicant.

(By Advocate: Shri M.K.Sharma)

Versus

1. Public Works Department  
(Secretary)  
Vikas Bhawan, I.P.Estate  
New Delhi - 110 002.
2. Govt. of NCT of Delhi  
(Chief Secretary)  
5, Sham Nath Marg  
Delhi.
3. Central Public Works Department  
(Through its Director General)  
Directorate General of Works  
Nirman Bhawan  
New Delhi
4. Union of India  
through its Secretary  
Ministry of Urban Development  
Nirman Bhawan  
New Delhi.

..Respondents.

(By Advocate: Shri K.C.D.Gangwani)

O R D E R (oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

Applicant who was working as Junior Engineer under third respondent was allotted flat No.C-II, CPWD Enquiry Office, I.A.R.I. New Delhi at a license fee of Rs. 523 in the month of April 1995. He was transferred as Junior Engineer under the Public Works Department of the Delhi Administration. As he was not allotted a residential accommodation under respondent No.1, he continued to stay in the quarter in which he was staying while he was working with the CPWD. The third respondent has issued a letter dated 13.6.96 to the Executive Engineer, Public Works Division of the Delhi Administration to recover from the pay of the applicant market rent at the rate of Rs. 1208 per month and to remit it to the third respondent. It is aggrieved by that the applicant has filed this application under Section 19 of the Administrative Tribunals Act for a direction to the respondents to allot suitable residential accommodation to the applicant and to the third respondent to withdraw the letter dated 13.6.96.

2. Shri K.C.D.Gangwani, counsel appears for the respondents. The reply statement in this case, though filed, is not kept in this file because in the caption instead of writing the proper OA No, OA No.1836/96 is shown. However, a copy of this reply bearing Dy No.9742 has been made available for cur perusal. Registry is directed to place the reply on file in OA 1876/96 in this case correcting the OA as 1723/96

3. The contention of the respondents 3 & 4 is that the quarter in question was one of the quarters meant for officers of the CPWD whose responsibility was to attend to the maintainance of CPWD quarters meant for IARI, that the applicant having been transferred out of CPWD has not right to continue in occupation of the said quarter and, therefore, their action in charging market

sent from the applicant is perfectly justified.

4. Departmental Representative for respondents 1 & 2 has entered appearance. They have not filed reply. The Departmental representative under instructions from respondents 1 & 2 says that allotment of quarter to employees is made on the basis of seniority reckoned with regard to entry into the service and that on the basis of seniority, the applicant's turn for allotment of quarter has not yet reached.

5 After hearing learned counsel on either side, I am of the considered view that there is nothing much in this application which needs further deliberation. I, therefore, dispose of this application.

6. The claim of the applicant that he should be allowed to continue in the quarter on payment of normal licence fee cannot be accepted as he has been transferred out of the CPWD. The obligation of providing residential accommodation in the case of the applicant now rests on respondents 1 & 2. The contention of respondents 1 & 2 that the allotment of quarter to its employees can be made only on the basis of the position reckoned with the length of service also cannot be considered to be untenable. If all the employees of respondents 1 & 2 cannot be provided with government accommodation, they can be given accommodation only in their turn considering the number of residential quarters available and the number of employees who are in need and on the basis of seniority. Those who are not lucky to get residential quarter allotted will have to find out their own arrangement for stay, of course receiving HRA provided for as per rules.

7. In the concpectus of above facts and circumstances, there is no justification to issue a direction either to the respondents 1 & 2 to provide residential accommodation to the applicant immediately or to the respondents 3 & 4 to allow the applicant to occupy the quarter meant for CPWD staff who are in charge of IARI complex on payment of normal rent.

8. Hence this application is disposed of finally with a direction to the respondents 1 & 2 to endeavour to allot a quarter to the applicant as early as possible according to the rules and the ground situation and the respondents 3 & 4 to allow the applicant to stay in the accommodation in which he is presently living for a further period of three months from today. They should also taking into account the the fact that the applicant has not been allotted an acommodation by the respondents 1 & 2 and keeping that that in view fix the license fee or rent payable by him as per the rules.

No order as to costs.



[A.V.Haridasan)  
Vice Chairman (J)

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