

Central Administrative Tribunal
Principal Bench: New Delhi

(9)

OA 1724/96

New Delhi this the 12th day of December 1996.

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

K.K.Sharma
Son of K.L.Sharma
R/o Quarter No.C-7
CPWD Enquiry Office
I.A.R.I.
New Delhi - 110 012.

...Applicant.

(By Advocate: Shri M.K.Sharma)

Versus

1. Public Works Department
(Through its Secretary)
Vikas Bhawan, I.P.Estate
New Delhi- 110 002
2. Government of NCT of Delhi
(Through its 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-7, CPWD Enquiry Office, I.A.R.I., New Delhi at a license fee of Rs. 525/- 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

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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 a 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 respondents have filed a reply. The contention of the respondents 3 & 4 is that the quarter in question was one of the quarters meant for officers of the CPWD who was to attend to the maintenance of CPWD quarters meant for IARI, that the applicant having been transferred out of CPWD has no right to continue in occupation of the said quarter and, therefore, their action in charging market rent from the applicant is perfectly justified.

4. Departmental representative appearing for respondents 1 & 2 has entered appearance. They have not filed reply. The departmental representative under instructions from the 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 the 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, propose to dispose of this application.

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6. The claim of the applicant that he should be allowed to continue in the quarter on payment of normal license fee cannot be accepted as he has been transferred out of the CPWD. The obligation of providing a residential accommodation in the case of the applicant now rests on respondents 1 & 2. The contention of respondent 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 the 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 the rules.

7.7 In the concpectus of above facts and circumstances, there is no justification to issue a direction either to the respondents 1 & 2 to provide a 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 fact the applicant has not been allotted an accmmmodation by the respondents 1 & 2 and keeping 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)