

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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C.A./T.A. No. 1743/96 /19 Decided on: 20.3.97

Shri V.K. Sachdev APPLICANT(S)
(By Shri Applicant in Person Advocate)

VERSUS

U.O.I. & Ors. RESPONDENTS

(By Shri Madhav Panikar Advocate)

ORAM

THE HON'BLE SHRI HON'BLE MR. S.R. ADIGE, MEMBER (A)

THE HON'BLE ~~XXXXXX~~ DR. A. VEDAVALLI, MEMBER (J)

1. To be referred to the Reporter or not? Yes
2. Whether to be circulated to other Benches of the Tribunal? No

Adige
(S.R. ADIGE)
Member (A)

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.No. 1743/96

MA No. 1804/96

New Delhi: this the 20th day of March, 1997.

HON'BLE MR. S. R. ADIGE, MEMBER (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J).

Virender Kumar Saghdew,
S/o Shri Om Prakash Saghdew,
R/o-E-235, Road No. 3,
Govt. Quarters,
Dev Nagar,
New Delhi -110005

.....Applicant.

(Applicant in person)

Versus

1. Union of India & others,
through the Secretary to
the Govt. of India,
Ministry of Urban Development,
(Directorate of Estates),
Nirman Bhawan,
New Delhi.
2. The Director,
Directorate of Estates,
Govt. of India,
Nirman Bhawan,
New Delhi
3. Shri P. M. Mishra,
Estate Officer,
Directorate of Estates,
Govt. of India,
Nirman Bhawan,
New Delhi.
4. The Assistant Director of Estates, TCC,
Directorate of Estates,
Govt. of India,
Nirman Bhawan,
New Delhi.
5. The Asstt. Director of Estates (Accounts),
Directorate of Estates,
Govt. of India,
Nirman Bhawan,
New Delhi.
6. The Asstt. Director of Estates,
(Waiting List Section),
Directorate of Estates,
Govt. of India,
Nirman Bhawan,
New Delhi
7. Shri Chanan Ram,
Asstt. Director of Estates,
Directorate of Estates,

Govt. of India,
Nimman Bhawan,
New Delhi

... Respondents.

(By Advocate: Shri Madhav Panikar)

JUDGMENT

BY HON'BLE M.R.S.R. ADIGE, MEMBER(A).

Applicant seeks restoration of allotment of Quarter No. E-235, Road No. 3, Dev Nagar, New Delhi and for quashing of orders imposing damages of Rs. 59,296/- upon him. He also seeks compensation of rupees 50 lakhs from respondents for causing him mental harassment.

2. Applicant was allotted the said quarter while he was working as Dy. Office Superintendent, Central Excise, Revenue Department, New Delhi. Upon the said quarter being declared dangerous by CPWD applicant was offered Quarter No. 70/14 S-1 M.B. Road (Saket) on 12.5.93 (Annexure-R1) which he did not accept. Thereupon he was offered Quarter No. 10/7 S-1 MB Road on 13.5.94 (Annexure-R2) but that was also not accepted by him. He was then offered Qr. No. 37-Y, C.G. Road (Annexure-R5) but he did not accept that either. Meanwhile it came to notice that applicant had been transferred out of Delhi to Faridabad on 19.7.94 and accordingly his allotment of E-235, Karol Bagh was cancelled w.e.f. 19.9.94 after allowing 2 months normal retention period in accordance with rules. Upon applicant not accepting Qr. No. 37-Y, C.G. Road, he was offered Qr. No. 12/147, Dev Nagar on 6.5.96 (Annexure-R6) which he accepted, but authority-slip for taking possession was not issued to him because cancellation of allotment was under consideration by respondents. The allotment was subsequently cancelled by order dated 18.5.96 (Annexure-X2) and thereafter by orders dated 6.7.96 (Annexure-X4 to OA) the Estate Officer

(15)

passed Eviction Orders u/s 5(1) P.P.(EVO) Act.

3. Meanwhile upon applicant's transfer back to Delhi w.e.f. 21.3.96 he once again became eligible for allotment of accommodation and sought regularisation of qr. No. E-235, Karol Bagh, but respondents point out that the same cannot be regularised as his date of priority is 26.8.72 which has not been covered so far as the allotments are being made to Govt. employees of priority 30.4.68 at present.

4. We have heard applicant who argued his case in person and Shri Panikar for respondents. We have given the matter our careful consideration.

5. The question of directing respondents to restore allotment of qr. No. E-235, Dev Nagar to the applicant does not arise as it has been declared unsafe by CPWD. Now the applicant has been transferred back to Delhi w.e.f. 21.3.96, upon his making application in the prescribed form ^{if not done already} supported with all other relevant details, respondents may consider allotting him alternative accommodation strictly as per his entitlement and in accordance with his date of priority, subject to his clearing all previous dues which he will be required to pay in accordance with rules. In the event that the applicant refuses to accept the alternative accommodation offered to him, it will be open to him to invoke the relevant rules in this regard. *Prayer for compensation is rejected being outside our jurisdiction.*

6. The OA is disposed of in terms of paragraph 5 above. No costs.

A. Vedavalli
(DR.A. VEDAVALLI))
MEMBER(J).

S. R. Adige
(S. R. ADIGE))
MEMBER(A).