

(S)

Central Administrative Tribunal
Principal Bench: New Delhi

OA 2169/96

New Delhi this the 31st day of December 1996.

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

1. Dr. Sujata Malik
Flat No.24
Kotla Road
New Delhi

2. Dr.S.C.Malik
Flat No.24
Kotla Road
New Delhi

...Applicants

(By advocate: Mr George Parakan)

Versus

1. Director
Directorate of Estates
Nirman Bhawan
New Delhi

2. Medical Superintendent
Safdarjung Hospital
New Delhi - 110 016

...Respondents.

(By advocate: Shri R.P.Aggarwal)

O R D E R (Oral)

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

Applicant No.1 Dr Sujata Malik is a Senior Occupational Therapist working in Safdarjung Hospital and is eligible for allotment of Type-V accommodation on th basis of her pay scale. Her husband Dr S.C.Malik who was working as a doctor in Lady Hardinge Medical College was allotted flat No.24 Kotla Road (Type -V). Dr. Sujata had been residing with him and though entitled to HRA has not been receiving the same. Dr. S.C.Malik retired from service on 30.11.95. As a quarter from the pool to which Dr Sujata was entitled could not be allotted to her, ^{as} she was still in the waiting list, she made a request to respondent No.1 for regularisation of quarter No.24 Kotla Road by making an adhoc allotment in her favour. This request was rejected. It is in

✓

these circumstances that the applicants have filed this application praying that the impugned letter dated 19.7.96 turning down her request for regularisation of the quarter in the name of the first applicant be set aside and the respondents be directed to allot Flat No.24 Kotla Road in the name of applicant No.1 by making an ad-hoc allotment from the date of cancellation of the allotment.

2. It has been alleged in the application that the organisation in which the first applicant is serving has also been notified as one of the eligible organisations for the purpose of general pool accommodation, that even otherwise, in the centre pool allotment, exchanging quarters had been the practice in several cases hitherto and that there is no justification in not extending the same benefit to the applicant.

3. Respondents 1 & 2 have filed separate reply statements. However, the reply filed by the first respondent is not on record. Registry is directed to bring it on record. As the issue involved is quite simple, counsel on either side agree that the matter can be disposed of at this stage. Therefore, I admit the application and proceed to dispose it of simultaneously.

4. That the applicant No.1 is a government servant eligible for allotment of quarter type-V and that she has been sharing the accommodation of her husband who was a government servant are facts admitted. The only hurdle for adhoc allotment in favour of the first applicant and regularisation thereof, according to the respondents, is that the first applicant is entitled to only an accommodation from the hospital pool and not from the general pool and that in the said pool, her turn has not yet reached.

(7)

4. The allegation that exchange of accommodation from different pools has been made in several cases earlier and that it can also be made in the case of the applicant is not categorically denied in the reply statement. The respondent No.2 has agreed to place a quarter of the same type at the disposal of respondent No.1 when the turn of applicant No.1 arises.

5. The provision for ad-hoc allotment of quarter and regularisation thereof in the name of dependent of a retiring government servant occupying a quarter provided the conditions stipulated therein are satisfied has been made with a view to tide over the difficult situation which might arise where a dependent by his/her seniority would not be eligible for allotment of a quarter at the time when the father or husband as the case may be retires. If the applicant No.1 was serving as a ministerial staff in the Safdarjang Hospital, there would not have been any difficulty in making an ad-hoc allotment of the quarter in her name, but unfortunately, the applicant is not a ministerial staff but a medical staff for whom a separate pool of accommodation is available. In any case, respondent No.2 has averred in the reply statement that a type-V quarter which is similar to Flat No.24, which is the subject matter of this application, will be placed at the disposal of the Respondent No.1 to be added to the general pool as and when the turn of the first applicant matures for allotment. Under the circumstances, I am of the considered view that there should not be any difficulty in Respondent No.1 making an ad-hoc allotment of the Flat No.24 Kotla Road in the name of the first applicant. The quarter which would fall to the turn of the applicant No.1 can be added to the general pool to compensate the loss.

6. In the result, the application is disposed of with following directions:

8

- (a) First respondent shall make an ad-hoc allotment of the quarter Flat No.24, Kotla Road in the name of the first applicant and regularise the allotment with effect from the date on which the allotment in the name of her husband was cancelled.
- (b) For the period for which Dr.S.C.Malik had obtained permission to retain the quarter on medical grounds, license fee as stipulated shall be paid by the applicants.
- (c) Second respondent shall, as and when the turn for allotment of the quarter from the hospital pool to the first applicant arises, place a quarter (Type-V) at the disposal of the first respondent to compensate the loss of quarter from the general pool.

No order as to costs.



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

aa.