

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-2403/96

New Delhi this the 12th day of August, 1997.

Hon'ble Shri S.P. Biswas, Member(A)

1. Shri Vinod Kumar Sharma-II,
S/o Shri Ved Ram.

2. Sh. Ved Ram, .. Applicants
S/o Sh. Mangat Ram.

Both the applicants are C/o Shri Sant Lal, Advocate
C-21(B), New Multan Nagar, New Delhi-56.

(through Sh. Sant Lal, advocate)

versus

1. The Union of India, through
the Secretary,
Ministry of Communications,
Dept. of Posts,
Dak Bhawan, New Delhi-1.

2. The Chief Postmaster General
Delhi Circle, Meghdoot Bhawan,
New Delhi-1.

3. The Estate Officer,
O/O the C.P.M.G. Delhi Circle,
Meghdoot Bhawan, New Delhi-1. .. Respondents

(through Sh. Madhav Panikar, advocate)

ORDER(ORAL)

through Sh. S.P. Biswas, Member(A)

In this application the applicant No.1, son of applicant No.2, seeks regularisation/allotment of a government quarter in his name following retirement of applicant No.2 on 31.8.1993. The rules provide allotment of government quarter to dependents/relatives of government employee on the retirement subject to several conditions. The most important ones are, inter alia, that the allottee or the would-be-allottee should have been continuously residing with the retiring Government servant atleast for three years before the

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date of retirement; that during the same period he should not have been drawing the H.R.A. and that he should have been living in the same family for all these years. The applicant's request for regularisation/allotment of quarter one type below (Type I) the entitlement has been rejected by respondents vide Annexure-A4 dated 25.5.95 on the ground that

"you have drawn H.R.A. Rs.2178/- for the period from 29.11.89 to 3.3.91 & deposited the arrear in lump sum afterwards & you are producing two different Ration Cards which shows that you were not a member of the joint family."

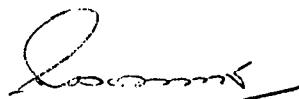
2. The position as mentioned aforesaid gets well confirmed by the applicant's own admission in para 4.7 of the O.A. He ~~contended~~ drawing HRA from November 1989 to 3.3.1991. He was paid arrears of HRA for the above period in September 1991 and refunded the amount only on 3.2.95 when told by the respondents on 27.1.95. There are no explanation why he did not ~~refunded~~ the money before he got regularised w.e.f. 4.3.91. One of the main conditions of such allotment is thus, violated.

3. That apart, the case of the applicant gets further weakened since he has been maintaining a separate Ration Card though he claims to have been living jointly in the same family. There are no satisfactory explanation for maintenance of the two different Ration Cards in the name of the father and son.

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4. In the absence of unassailable documents and violation of the conditions set out in O.M. No.12035(7)/79-Pol.II dated 1.5.81 and O.M.No. 12035(14)/82 Pol.II (Vol.II)(i) dated 19.11.87 & 17.12.91, it would not be proper for this Tribunal to interfere and provide reliefs on the basis of unsubstantiated evidences.

5. The application fails on merits and is accordingly dismissed. No costs.


(S.P. Biswas)

Member(A)

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