

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A. No. 2648/1996

New Delhi: this the 4th day of June, 1997.

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

1. Mrs. Basanti Devi,

w/o Shri Bhavani Chand,
E-1194, Netaji Nagar,
New Delhi- 110 023.

2. Shri Vikram Chand,
S/o Shri Bhavani Chand,
E-1194, Netaji Nagar,
New Delhi -110 023

.... Applicants.

(By Advocate: Shri George Paracken)

Versus

1. Director,
Directorate of Estates,
Nirman Bhavan,
New Delhi -110 011.

2. Director General of Civil Aviation,
Technical Centre,
Opp. Safdarjung Airport,
New Delhi - 110 003

..... Respondents.

(By Advocate: Shri R. V. Sinha)

JUDGMENT

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

Applicant impugns respondents' order dated 8.7.96 (Annexure-A) and eviction order dated 5.11.96 (Annexure-B) cancelling allotment of Qr. No. E-1194, Netaji Nagar in the name of Shri Bhavani Chand.

2. I have heard applicant's counsel Shri Paracken and respondents' counsel Shri R. V. Sinha.

3. Admittedly, Shri Bhavani Chand, allottee of Qr. No. E-1194, Netaji Nagar is missing since 19.8.95. Admittedly also, his son Laxman Chand is being considered for compassionate appointment vide letter dated 28.11.96 (Annexure-G Only), but so far no

appointment order has been issued, despite over one year since Shri Bhavani Chand's disappearance. Shri Parakon has contended that the period for which allotment subsists and concessional period for further retention as contained in SR 317-B-11 of the Allotment of Govt. Residence(General Pool) Rules, 1963 , does not state that "Missing" of a Govt. servant is an event where allotment can be cancelled. This contention is without merit, because the applicant being missing since 19.8.95 constitutes his being unauthorisedly absent from duty without permission, for which the permissible period of retention is only one month. Under the circumstance the impugned orders, including the eviction order which has been issued after following the prescribed procedure are legal and valid and call for no judicial interference.

4. The OA is dismissed. No costs.

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

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