

179

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

OA.No.349 of 1996

Dated New Delhi, this 27th day of November, 1996.

HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

Ramesh Ram
S/o Late Shri Tribhuvan Ram
R/o D-77, Kidwai Nagar
NEW DELHI.

... Applicant

By Advocate: Shri B. Krishan

versus

1. The Director of Estates
Directorate of Estates
Ministry of Urban Affairs & Employment
4th floor 'C' Wing, Nirman Bhavan
NEW DELHI-110 011.

2. The Estate Officer
Directorate of Estates
4th Floor 'B' Wing
Nirman Bhavan
NEW DELHI.

... Respondents

By Advocate: Shri V. S. R. Krishna

O R D E R (Oral)

Shri K. Muthukumar, M(A)

The case of the applicant is that he was staying in the government accommodation allotted in the name of his father when his father was in service. The applicant's father died in harness on 7.6.1994 and the allotment of the accommodation was cancelled with effect from 7.6.1995. The applicant has been in government service under the Directorate General of Civil Aviation since 29.6.1983. It is averred in the application that the applicant had been sharing the accommodation with his late father for more than six months prior to his father's death. The applicant, however, submits that

Contd...

✓ he had inadvertently drawn House Rent Allowance for the period from December 1993 to June 1994 which was ^{and also HRA} subsequently refunded [^] for the period upto 31.10.1995. He submits that no House Rent Allowance has been drawn thereafter.

2. In this application the applicant has prayed that the quarter which was allotted to his father may be regularised in his name consequent on the death of his father as he is already in government service and had been sharing the accommodation for more than six months prior to the death of his father. As he has also refunded the House Rent Allowance drawn inadvertently during the period of six months and thereafter, he submits that in the light of the order passed in the similar case - Krishan Singh ~~and~~ in the batch of cases disposed of by the Supreme Court in Shiv Sagar Tiwari Vs UOI Writ Petition (C) No.585 of 1994, he may also be allowed the same relief as was given by the Apex Court.

3. The respondents in the counter reply have stated that the applicant had been drawing House Rent Allowance since the date he joined the government service i.e., 29.7.1983 in violation of Allotment Rules and therefore his request for regularisation of the quarter could not be acceded to and accordingly an eviction order, had been passed. Against the eviction

order, the applicant had filed a Writ Petition in District Court which was also dismissed on 29.1.1996. The respondents have also submitted that in order to become eligible for ad hoc allotment/regularisation in the name of the dependent relative of government employees on their retirement/death, the eligible dependent should not draw House Rent Allowance during the period when he was continuously residing with the retiring/deceased government servant for atleast three years before the date of retirement/death of government servant concerned.

4. When the same was taken up for hearing today, the learned counsel for the respondents submits that the facts and circumstances of the case cited by the learned counsel for the applicant - Shiv Sagar Tiwari Vs UOI and the facts of this case could be considered by the respondents. For this purpose, the applicant may make a suitable representation in this behalf and the matter can be disposed of on this basis.

5. After hearing the learned counsel for the parties, this case is disposed of with the following directions:

(a) The applicant may make a representation to the respondents for regularisation of the quarter to the respondents in the light of the order passed by the Apex Court in Shiv Sagar's case (supra), within a period of two weeks from

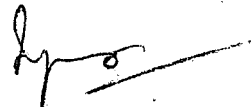
the date of receipt of a copy of this order.

(b) On receipt of the representation from the applicant, the respondents are directed to dispose of the representation within one month.

(c) It is also provided that till the representation is disposed of by the respondents, status quo in regard to the continuance of the accommodation by the applicant is maintained.

If there is any grievance in this matter, it is open to the applicant to seek further remedy available under the law.

6. The application is disposed of with the above directions. There shall be no order as to costs.


(K. Muthukumar)
Member (A)