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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

O.A.No.542 of 1996

Dated New Delhi, this 26th day of March, 1996.

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

Chaman Lal
S/o Late Shri Amar Nath
R/o S-2/994 R. K. Puram
NEW DELHI.

By Advocate: Shri T. P. S. Rathore

... Applicant

versus

1. Union of India, through
The Secretary
Ministry of Urban Development
Nirman Bhawan
NEW DELHI.
2. Addl. Medical Superintendent
Deputy Medical Superintendent
Estate Officer
Safdarjang Hospital
NEW DELHI.
3. Chief Administrative Officer
Office of the Medical Supdt.
Safdarjang Hospital
NEW DELHI.

... Respondents

O R D E R (Oral)

Mr K. Muthukumar, M(A)

Heard the matter on admission.

The applicant who was working earlier in Safdarjang Hospital, was allotted a Hospital Pool accommodation after the same had been regularised in his name when he was in service in that Hospital. Subsequently, the applicant secured an appointment in INMAS under the Ministry of Defence and joined that appointment on 30.3.1990 and apparently had

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made request for retention of the Hospital Pool accommodation. After considering his representation, the respondents by letter dated 4.8.1995 (Annexure A-2) have finally rejected his request. The applicant has impugned this letter and has prayed for intervention by the Tribunal.

The accommodation that was allotted to the applicant earlier was a Hospital Pool accommodation allotted in consideration of the fact that he was a employee of the Hospital. He left the Hospital service on 1.3.1990 and should normally look for government accommodation under the respondents in the General Pool and cannot have any right over the Hospital Pool accommodation. The learned counsel for the applicant has not been able to show how the applicant has right for such accommodation except that his seniority has been protected. That his seniority in government service has been considered and protected, by itself does not give a right for retention of Hospital Pool accommodation which is exclusively meant for Hospital employees. If this request of the applicant is acceded to, then the interest of section of the Hospital staff waiting for the Hospital Pool accommodation which

is required in the exigencies of service, will be jeopardised.

In the light of the above, the applicant has no right to claim the Hospital Pool accommodation. He cannot have any relief in this regard.

The learned counsel for the respondents states that since the applicant has been occupying the quarter, the applicant is liable for payment of licence fee. The applicant will have to pay the licence fee from the period he resigned from the Hospital, but continued in the said accommodation, in accordance with the rules.

In the circumstances, this application is dismissed in limine without any order as to costs.


(K. Muthukumar)
Member(A)

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