

Central Administrative Tribunal
Principal Bench

(4)

OA-618/96

New Delhi, the 17th April, 1996.

Hon'ble Shri A.V. Haridasan, VC(J)
Hon'ble Shri R.K. Ahooja, M(A)

Dr. S.P. Balu
R/o Block 15, H.No.282,
Lodhi Colony
New Delhi.

Applicant

(Advocate: Sh. George Parackan)

vs

1. Director of Estates,
Nirman Bhawan,
New Delhi.

2. Estate Officer,
Directorate of Estates
Nirman Bhawan,
New Delhi. 110011.

Respondents

(Advocate: Shri B. Lal)

ORDER (Oral)

Hon'ble Shri A.V. Haridasan, VC(J)

The applicant who is a Medical Officer
in the CGHS has filed this application for the
following reliefs.

i) Direct the respondents to regularise
the allotment of quarter No.15/282
Lodhi Colony, New Delhi with effect
from the date of reposting of the
applicant in Delhi i.e. 30.5.95 and
not to charge any damages other than
the normal rent that the applicant is

(5)

paying at present for the period subsequent to 30.5.94.

ii) Declare the sealing of Qr. No.15/292, Lodhi Colony by Respondent No;1 and 2 on 13.3.96 as illegal and void.

iii) Any other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

2. The quarter in question was allotted to the applicant when he was working in Delhi. He was transferred to Punjab on 12.12.93 and the allotment was cancelled. The applicant has been reposted to Delhi on 30.5.95 and his request for regularisation of the quarter in his name made on 5.6.95 which is still pending with the respondents. In the meanwhile, the quarter in question has been sealed by the respondents on 13.3.96 purported to be in execution of an order passed under the Provisions of Public Premises (Eviction of unauthorised occupants) Act. Shri B. Lal, counsel for the respondents appeared and argued the matter. The counsel on either side agrees that the matter may be disposed of finally at this stage itself directing the respondents to consider and dispose of the representation made by the applicant for regularisation of the quarter in question in his name. and how to make allotment of this house to any one else before a decision as to whom it is to be allotted.

✓

3. Ld. counsel of the applicant submitted that the respondents while disposing of the applicants request may be asked to consider the effect of letter dated 12.2.96 by the Director of Estates to the Dy. Director, School Health Scheme and the permission may be granted to the applicant to remove his belongings from the quarter sealed by the respondents in the presence of an official of the respondents without delay. The ld. counsel for the respondents said that the request may be granted.

4. In the light of what is stated above and in view of the submissions made by the ld. counsel at the Bar, we dispose of this application at the admission stage itself with the following direction to the respondents.

a) The respondents shall allow the applicant to remove his personal effects from the quarter within three days of the receipt of the order in the presence of one of their official;

b) The respondents shall consider the representation submitted by the applicant on 5.6.95 and subsequent representation for regularisation of quarter in question in his name and pass a speaking order within a period

✓

(7)

of one month from the receipt of the order taking into account the letter dated 12.2.96;

- c) Till such time the representation of the applicant is disposed of, the quarter in question shall not be allotted to anybody else;
- d) Should the applicant feel aggrieved of the outcome of the representation in regard to regularisation of the quarter, he will be at liberty to seek appropriate relief in accordance with law.

There is no order as to costs. Issue order 'Dasti'.


(R.K. Ahuja)
Member (A)


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