

Central Administrative Tribunal, Principal Bench

O.A.No.816/96

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 7th day of January, 1997

Yash Pal Singh
s/o Shri Bhup Singh
B 138, Kidwai Nagar
New Delhi.

... Applicant

(By Shri Deep Verma, Advocate)

Vs.

Union of India through

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

2. Director
National Crime Records Bureau
Ministry of Home Affairs
East Block 7, R.K.Puram
New Delhi.

... Respondents

(By Shri Madhav Panikar, Advocate)

O R D E R(Oral)

The applicant is working as a Constable under the Respondent No.2. His father, who retired as Sub-Inspector in the Central Bureau of Investigation(CBI) on 30.6.1995 had been allotted quarter No.B-138, Kidwai Nagar, New Delhi. The applicant claims that he had been residing alongwith his father since 1988, when he was appointed in the office of Respondent No.2 and has not claimed/drawn House Rent Allowance since 30.6.1988. The father of the applicant became member of the Central Bureau of Investigation Arunodaya Co-operative Group Housing Society before his retirement. The construction in the said Group Housing Society is still under progress and has not been completed nor flats had been allotted to the members of the society. The applicant's grievance is that when he submitted an application for regularisation of the quarter allotted to his father, the Respondent

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No.1 issued a show cause notice declaring his father as an unauthorised occupant and also a show cause notice for eviction was issued. The applicant has come before the Tribunal seeking direction to the respondents to regularise the allotment of quarter in his name as he is eligible for the same.

2. The respondents in their reply state that the application for regularisation had been examined but could not be acceded to since under the relevant orders such regularisation is permissible only if the retiring officer or a member of his family does not own a house at the place of posting. Since in the present case the applicant's father had been sanctioned House Building Advance for purchase of a built up flat in the said society, the request for regularisation was rejected.

3. I have heard the counsel on both sides. The learned counsel for the applicant has argued that unless the house is ready and can be occupied, the applicant would be treated as and having no own house as there is no other house to which he can go. The learned counsel for the respondents submits that in case it could be assured that the applicant would vacate the Government accommodation when the house is ready for occupation his case for allotment of the eligible category would be considered. The applicant has now filed an affidavit which has been taken on record that he will immediately vacate the said premises after possession of the flat is taken by him. However, since the applicant is not eligible for allotment of Type 'B' category house, the

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learned counsel for the applicant agrees that he would be satisfied if a Type 'A' category is allotted to which he is entitled, preferably in the same locality.

4. In view of the above position, the OA is disposed of with a direction that the applicant will make an application for allotment of Type 'A' quarter along with an affidavit to the effect that he will vacate the accommodation to be allotted to him immediately the flat of his father is ready for occupation. The respondents will thereupon consider his case for allotment of a Type 'A' quarter within one month. The applicant will be allowed to continue in occupation of the present premises till the time he is allotted the Type 'A' quarter. This would be without prejudice to the normal/damage licence fee which he will be liable to pay under the rules. No costs.

Alechay
(R.K.AHOJA)
MEMBER(A)

/rao/