

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

2
O.A.No.1075 of 1996

Dated New Delhi, this 24th day of May, 1996.

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

1. Gopal Singh Bisht
C-III/280, Lodhi Colony
NEW DELHI-110 003.
2. Kirpal Singh Bisht
C-III/280, Lodhi Colony
NEW DELHI-110 003. ... Applicants

By Advocate: Shri J. Banerjee, proxy counsel for
Shri C. Harishankar.

versus

1. Union of India, through
The Secretary
Department of Urban Development
Ministry of Urban Affairs & Employment
Nirman Bhawan
NEW DELHI-110 001.
2. The Directorate of Estates, through
Director
Nirman Bhawan
NEW DELHI-110 001.
3. Estate Officer
Directorate of Estates
Nirman Bhawan
NEW DELHI-110 001. ... Respondents

O R D E R (Oral)

Admit.

The respondent no.2 by their order dated 15.4.1996 (Annexure A/12 to the O.A.) have informed that an adhoc allotment of Type 'B' accommodation has been sanctioned in favour of the applicant ^{no. 2} on condition that the arrears of licence fee, if any,

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pertaining to the present accommodation occupied by him would be recovered from the gratuity of the retired officer or from the salary of Shri Kirpal Singh Bisht, the applicant no.2. Before issuing this letter, the same respondents had issued letter dated 27.3.1996 which is impugned in this application (Annexure A/1 to the O.A.), informing the applicant no.1 of the dues and damages for overstayal in Government premises No.C-3/280, Lodhi Colony, presently occupied by applicant no.2 and which was originally occupied by applicant no.1, father of applicant no.2, who retired on 30.4.1995. It is stated that the applicant had applied for regularisation of the said quarter allotted to his father as he was already in Government service with effect from 1995 and has thus become eligible for allotment of Type-II quarter with effect from March 1996. The request for regularisation has already been sent to respondent no.2 by applicant no.2 by his letter dated 14.3.1996 (Annexure A-10 to the O.A.). The learned counsel for the applicants contends that respondents have not taken any action in regard to the request for regularisation according to his entitlement from general pool in accordance with law.

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From the details of the impugned letter the period of overstyal has been shown from July 1992 to February 1996. Although the applicant no.1 had retired only on 30.4.1995 and is a regular allottee, prima-facie there appears to be some error in the impugned letter. If there is no error, this matter should have been clarified in the impugned letter. In view of the above facts and circumstances of the case, it is considered appropriate that if this entire application is disposed of in the light of the following directions, it would meet the ends of justice:

(1) The Registry is directed to send a copy of this application alongwith a copy of this order to the respondents with a direction to re-examine this matter including the period of overstyal and also to consider the representation of the applicant no.2 for regularisation of the accommodation in view of his present eligibility and re-assess the dues from the applicant no.2 after due notice and also after taking into account the request for retention of the accommodation as prayed for in his letter dated 7th September, 1995 at page-27 of the O.A. which is also stated to have not been responded to by the respondents.

(2) Respondents are directed to take a decision in the matter, within a period of one month from the date of receipt of a copy of this order. The decision so arrived at, shall be communicated to the applicants within three days from the date of taking of such decision, by registered post alongwith copy by ordinary post under certificate of posting.

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(3) Till the decision is communicated to the applicants, respondents are also restrained from giving effect to the impugned order dated 27.3.1996.

This O.A. is disposed of finally with the above observations and directions, without any order as to costs.


(K. Muthukumar)
Member(A)

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