

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA No.1279/1997

(AT)

Tuesday, this the 7th day of August, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI (J)

Ms. Neeta Gupta
E-71, Moti Bagh -I,
New Delhi-110 021.

.... Applicant

(By Advocate: Shri George Paracken)

VERSUS

1. Union of India through
The Secretary
Ministry of Urban Affairs & Employment,
New Delhi.

2. Director,
Directorate of Estates,
Nirman Bhavan,
New Delhi.

.... Respondents

(By Advocate: Shri S. Mohd. Arif)

O R D E R (ORAL)

By Hon'ble Shri S.R. Adige, Vice Chairman (A):

In this OA, applicant impugned the respondents' order dated 31.3.1997 (Annexure A) inviting applications for allotment of general pool residence and hostel accommodation in Delhi/ New Delhi for the allotment period from 1.6.1997 to 31.12.1998. Various others reliefs have also been sought.

2. We have heard applicant's counsel Shri George Paracken and respondents' counsel Shri S. Mohd. Arif.

3. During the course of the hearing, Shri Paracken very fairly submits that the impugned order dated 31.3.1997 has since lost his force, in view of the

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subsequent OM dated 4.11.1999, a copy of which is taken on record, intimating that the next allotment year in the general pool accommodation has been notified to commence from 1.1.2000 and will remain in force upto 31.12.2001 and by which the applications have been invited from different categories of Government servants, who are desirous of seeking allotment during the aforesaid allotment year commence from 1.1.2000 to 31.12.2001.

4. Shri Paracken states that the main grievance of the applicant in the OA is that she (applicant) is in the waiting list for general pool accommodation as well as ladies pool accommodation, since a long time but apprehends that because of the announcement of the new allotment year commencing from 1.1.2000 to 31.12.2001, she will lose her position in the waiting list and go down, resulting in a longer waiting period for her. Applicant, therefore, prays that till such time as all the persons in the existing waiting list are allotted Government accommodation, a fresh allotment year should not be announced. In this connection, Shri Paracken invites our attention to Hon'ble Supreme Court's order dated 29.11.1996 in CWP No.585/1994 in the matter of Shiv Sagar Tiwari Vs. Union of India and Ors., whereby, inter alia, application for fresh allotment of accommodation from eligible candidates were to be considered only after the pending list was exhausted.

5. This is a general policy matter and in our view, it would not be appropriate for us to issue any

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specific direction to respondents on this account, but we do hope that respondents will examine this issue, with a view to seeing whether a person, who reaches to the top of the waiting list after a long period of time, is required to lose his/her position merely because of the announcement of a new allotment year and receipt of fresh application.

6. In this connection, a suggestion made by Shri Paracken is that instead of announcing a fresh allotment year, the existing allotment year could be extended to enable those in the waiting list to be covered. We have no doubt that while examining this issue, the aforesaid suggestion made by applicant's counsel would also be kept in view by respondents.

7. The OA is disposed of in terms of the aforesaid direction. No costs.

A. Vedavali

(Dr. A. Vedavali)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

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