

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No. 1565 of 1997

New Delhi, dated this the 5th August, 1998

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

S/Shri

1. Sachidanand,  
S/o Shri Ramji Rai,  
R/o Qr. No. 473, Krishi Kunj,  
Pusa, New Delhi-12.

2. Shri Ramji Rai,  
S/o Shri Shiv Lal Rai,  
Address as above.

.... APPLICANTS

(By Advocate: Shri B.B. Raval)

Versus

1. Indian Council of Agricultural Research  
through Director General,  
Krishi Bhawan, New Delhi.

2. The Director,  
I.A.R.I., Pusa,  
New Delhi-110012.

.... RESPONDENTS

(By Advocate: Shri V.K. Rao)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant No.1 impugns respondents' order dated 13.3.97 (Ann. A) and seeks regularisation of Qr. No.473, Krishi Kunj, Pusa, New Delhi-12 standing in the name of Applicant No.2.

2. I have heard applicants' counsel Shri Raval and respondents' counsel Shri Rao.

3. Admittedly applicant No.2 superannuated from service in ICAR w.e.f. 30.11.95.

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4. Applicant No.1, the son of applicant No.2 who is also in employment with IARI had applied for stopping of HRA vide letter dated 10.11.92 so that he could become eligible for retention of the aforesaid quarter. It is not denied by respondents that the aforesaid letter dated 10.11.92 was misplaced as a result of which the HRA could not be stopped in respect of applicant No.1 w.e.f. the aforesaid date. Thereupon, from a perusal of the contents of respondent's own letter dated 28.5.96 (Ann. A-2 to rejoinder), applicant No.1 was advised to file a fresh application. Applicant no.1 did so on 29.12.92 seeking stoppage of HRA w.e.f. 1.1.93.

5. In the light of respondents' own letter dated 28.5.96, the contents of which have not been denied as well as and the contents of the applicant's own letter dated 10.11.92, there cannot be anydoubt that applicant had sought for stoppage of HRA w.e.f. 10.11.92, and would have obtained the requisite 36 months stoppage of HRA admissible for grant of regularisation of the aforesaid premises standing in the name of Applicant No.2 vide IARI (Allotment of House/ Accommodation and Regularisation) Rules, 1982, had not respondents themselves misplaced that letter dated 10.11.92. Applicant cannot be penalised for acts of omission and commission on the part of respondents. *A*

6. Under the circumstances this O.A. is allowed and the respondents are directed to regularise the Govt. quarter bearing No. 473, Krishi Kunj, Pusa, New Delhi in the name of applicant No.1 subject to payment of license fee as per rules. No costs.

*S.R. Adige*  
(S.R. ADIGE)  
VICE CHAIRMAN (A)

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