

Central Administrative Tribunal  
Principal Bench  
New Delhi

O.A. No. 1579/97

Decided on /6-12-98.

Shri Dev Raj

..... Applicant

(By Advocate: Shri K.L. Sharma . )

Versus

Union of India & Ors.

..... Respondents

(By Advocate: Deptt. Representative )  
Shri Rameshwar Lal .

CORAM.

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

1. To be referred to the Reporter or Not? YES
2. Whether to be circulated to other outlying benches of the Tribunal or not ? No.

*S.R. Adige*

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

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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

D.A.No.1579/1997

New Delhi: this the 16<sup>th</sup> day of December, 1998.

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

Shri Dev Raj, S/o Shri Dhunni Chand,  
R/o Quarter No.25/1, New DID Line,  
Delhi Cantt.-010 ..... Applicant.

(By Advocate: K.L.Sharma)

Versus

1. Union of India through  
the Secretary,  
GOI, Ministry of Defence,  
South Block,  
New Delhi.
2. The Estate Officer,  
Delhi Station,  
Station Headquarters,  
Delhi Cantt.-010.
3. Station Commander,  
Station Headquarters,  
Delhi Cantt. .... Respondents.

(By Departmental Representative:  
Shri Rameshwar Lal)

ORDER

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

Applicant impugns respondents' letter dated 5.4.97 (Annexure-A) and prays that the proceedings under sec.4 P.P.(EUO) Act initiated against him be dropped and he be allotted a suitable Type II residential accommodation according to his present entitlement.

2. Applicant's case is that he was allotted Qr. No.25/1, New DID Line, Delhi Cantt. purely on temporary basis for 3 months vide order dated 28.7.89 (Annexure-III). That allotment was extended from time to time, the last one being 1.4.96 to 31.3.97 vide impugned letter dated 5.4.97. Meanwhile

by order dated 26.6.96 (Annexure-AIV) he was separately allotted Qr. No. T- 55/5) Sanyat Line, Delhi Cantt for six months from 26.6.96 to 24.12.96. Applicant represented in September, 1996 for permission to retain Qr. No. 25/1, New DID Lines (Annexure-A-V) after which respondents initiated action against him under sec. P.P.(EUD) Act on 5.10.96 (Annexure-VI). Thereupon respondents allotted yet another quarter bearing No. T-41/2, Sanyat Lines, Delhi Cantt. again on temporary basis to the applicant vide letter dated 24.4.97 with retrospective effect from 24.4.96 (Annexure-AVII). Applicant represented on 6.5.97 (Annexure-A-VIII) pointing out that Qr. No. T-41/2, Sanyat Lines, Delhi Cantt. lacked basic amenities & had only one room, and he requested that the <sup>question of his shifting to</sup> ~~be~~ <sup>alternative</sup> ~~be~~ <sup>be reconsidered,</sup> accommodation i.e. T-41/2, Sanyat Lines, but states that he has received no reply to that representation and meanwhile is being threatened with eviction from Qr. No. 25/1, New DID Lines without compliance of the mandatory provision of the P.P.(EUD) Act. He states that his basic pay has now been raised, entitling him to Type II accommodation, but respondents are persisting in allotting him only Type I accommodation.

3. Respondents in reply affirm that applicant was allotted 25/1, New DID Lines purely on temporary basis to help him for a short while, and that allotment was extended from time to time. The last extension was granted upto 31.3.97 on his solemn undertaking in Estate Officer's Court to vacate the said accommodation in March, 1997 and not to ask for any further extension. Since he continued to occupy that quarter beyond that period, the allotment was cancelled and he was allotted

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unclassified accommodation to tide over the problem faced by him, as per directions of the Estate Officer, and consequently he was allotted T-41/2, Sanyat Lines, which was also taken over by him vide vacation report dated 12.5.97 (Annexure-VII-A and VII-B). Respondents state that applicant's representation was considered by them and their comments were forwarded to the Estate Officer's court vide letter dated 26.5.97 (Annexure-VIII) and from their reply it is evident that the allotment was made solely as per directions of the Estate Officer's Court.

4. Applicant in rejoinder broadly reiterates the averments made in OA. He alleged that the statutory provisions of Rules 4 and 5 P.P.(EUO) Act have not been followed in his case, and 3 residential quarters namely Qr. No.25/1, New DID Lines, Delhi Cantt; Qr. No.T-55/5, Sanyat Lines, Delhi Cantt. and Qr. No.T-41/2, Sanyat Lines, Delhi Cantt. have been allotted to him.

5. I have heard both sides.

6. As no final orders have been passed in the proceedings initiated against applicant under the relevant provisions of the P.P.(EUO) Act, this OA is premature. Meanwhile the pendency of those proceedings will not preclude alternative accommodation being offered by respondents to applicant to enable him to vacate Qr. No.25/1, New DID Lines, Delhi Cantt. The OA is disposed of accordingly. No costs.

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