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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1905/97

New Delhi this the 27 Day of August 1998

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

1. Shri Arun Sharma,
S/o Shri S.K. Sharma,
Working as a Senior Observer in
Office of the Director General Meteorology,
(N.H.A.C. - Camp), Mausam Bhawan, Lodi Road,
New Delhi-110 003 and residing at
1609, Delhi Administration Flats,
Gulabi Bagh, New Delhi
2. Shri S.K. Sharma,
Son of Shri Ramji Dass,
Retired as a Post Graduate Teacher from
Govt. Boys Senior Secondary School,
Bharat Nagar, Delhi
Directorate of Education,
Govt. of N.C.T. of Delhi,
Old Secretariat, Delhi. Applicants

(By Advocate: Shri B. Krishnan)

-Versus-

1. Union of India through its
Secretary, Ministry of Urban Development,
1st Floor, 'C' Wing,
Nirman Bhawan, New Delhi-110 011.
2. The Director of Estates,
Directorate of Estates,
4th Floor, 'C' Wing,
Nirman Bhawan, New Delhi-110 011.
3. The Estate Officer,
Govt. of National Capital Territory of Delhi,
Land & Building Department,
Vikas Bhawan,
I.P. Estate, New Delhi-110 002.
4. The Secretary,
Land & Building Department,
Govt. of N.C.T. of Delhi,
'A' Block, Vikas Bhawan,
Indraprastha Estate,
New Delhi-110 002. Respondents

(By Adv. Sri Anant Mishra)

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ORDER

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

The applicant No. 2 who is working as a post-graduate teacher under the Directorate of Education, Govt. of N.C.T. of Delhi was allotted a accommodation bearing No. 1609, Delhi Administration Flats, Gulabi Bagh. He retired on 31.5.1996. His son, applicant No. 1 joined the office of the Director General Meteorology at New Delhi since 10.11.1994. On the retirement of applicant No. 2, applicant No. 1 sought ad hoc allotment of accommodation allotted earlier to his father. The request was turned down on the ground that he was not eligible for allotment of accommodation from the N.C.T of Delhi pool. On the other hand, Directorate of Estate, respondent No. 2 was not willing to consider his case as the facility of ad hoc allotment to wards of Govt. officers is available only where the original allottee has a house from the general pool.

2. I have heard the counsel, Shri B. Krishnan, for the applicant ~~who~~ cited a number of decisions of this Tribunal (O.A. No. 818/96 Dinesh Kumar Sharma Vs. Secretary, Land & Building Department (Estate Branch), NCT of Delhi, and O.A. No. 1237/96 Shri Sanjeev Joshi & Ors. Vs. Secretary, Ministry of Urban Development) in which in the similar circumstances directions were given. The respondents to consider the inter-pool exchange of house allotted to the retired Govt. official. I agree with the learned counsel that the present case is similar to the cases cited above.

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Accordingly, this OA is disposed of with the same direction i.e., the respondent No. 1 will in consultation with respondent No. 2 consider the question of inter pool exchange of house allotted to applicant No. 2 and decide the request of the applicant for regularisation in favour of applicant No. 1. This will be done within a period of four months from the date of receipt of a copy of this order. Till such time a decision is taken, the applicants will not be evicted from the quarter in question. This will, however, be without prejudice to the right of the respondents to claim rent as per rules.

The O.A is disposed of as above. There is no order as to costs.


(R.K. Anooja)
Member (A)

Mittal