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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 1935/97

New Delhi, 18th February, 1998

Hon'ble Shri S.P. Biswas, Member (A)

1. Shri Jeet Ram
2. Shri Jagpal
both r/o A-146, Sarojini Nagar
New Delhi .. **Applicants**

(By Shri K.C. Mittal, with Shri Harvir Singh,
Advocates)

versus

Union of India, through

1. Director of Estates
Nirman Bhavan, New Delhi
2. Estate Officer
Nirman Bhavan, New Delhi
3. Medical Superintendent
Safdarjung Hospital, New Delhi
4. Estate Officer
Safdarjung Hospital
New Delhi .. **Respondents**

(By Shri Rajeev Bansal, Advocate)

ORDER(oral)

The short issue for consideration is whether applicant No.2 (Shri Jaspal, s/o applicant No.2) is eligible for regularisation of the quarter allotted in the name of his father on superannuation. There are provisions in the allotment rules which allow regularisation of the quarter on retirement of the allottee to his/her son/unmarried daughter provided they fulfill the conditions stipulated under the OM dated 1.5.81 issued by the respondents. In the present case, allotment of Qr.No.A-146, Sarojini Nagar (Type C) was given in the name of the father on 21.1.91, who retired on 30.9.96 as AAO, Safdarjung Hospital. As AAO, he was ministerial staff and entitled for allotment of quarter from general pool controlled by the Directorate of Estates. On his retirement on 30.9.96, he retained the said quarter for some time as per rules. His son who

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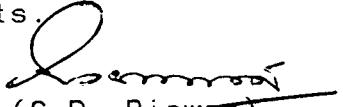
joined as Laboratory Assistant in Safdarjung Hospital on 26.10.95 is eligible for Type B accommodation but being a non-ministerial employee is not eligible for a residential quarter from general pool. In other words, non-ministerial staff as per OM issued by the Directorate of Estates are not entitled for allotment /regularisation of the quarter falling under general pool.

2. During the course of arguments, it was pointed out that respondents No.3 and 4 have adopted, mutatis mutandis, the rules of allotment of the Ministry of Urban Affairs and Employment. Under the rules of allotment initiated by that Ministry, if an official has to vacate the quarter and his son/unmarried daughter is otherwise eligible for a different pool, the latter authority concerned will have to give ad hoc sanction to enable the retiring employee to vacate the quarter of another pool. Since it is ad hoc, the said allotment will be one type below the entitlement as rules.

3. In the circumstances, the OA is allowed with the following directions:

- (i) The impugned A-1 order dated 30.6.97 is quashed;
- (ii) R-3, following rules of allotment of R-2, shall allot a residential unit on ad hoc basis in favour of applicant No.2 as per rules applicable in such cases;
- (iii) This shall be done within a period of three months from the date of receipt of a copy of this order.

There shall be no order as to costs.


(S.P. Biswas)
Member (A)

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