

Central Administrative Tribunal
Principal Bench

O.A.No.2610/97

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

New Delhi, this the 13th day of August, 1998

1. Shri Suresh Kumar
s/o Shri Rikhi Ram
working as an L.D.C. in
O/o the Addl. Collector of Customs
Okhla, New Delhi and
r/o G-488, Srinivas Puri
New Delhi.
2. Shri Rikhi Ram
s/o Shri Barfi Ram
retired as a Echo Lab. Technician from
Safdarjung Hospital
Ministry of Health & Family Welfare and
r/o G-488, Srinivas Puri, New Delhi. ... Applicants.

(By Shri B.Krishan, Advocate)

Vs.

1. Union of India through
The Director of Estates
Directorate of Estates
4th Floor "C" Wing
Nirman Bhawan
New Delhi - 110 011.
2. The Medical Superintendent
Safdarjung Hospital
Ministry of Health & Family Welfare
Aurobindo Marg
New Delhi.
3. The Estate Officer
Safdarjung Hospital
Ministry of Health & Family Welfare
Aurobindo Marg
New Delhi. ...

Respondents

(By Shri R.V.Sinha, Advocate)

O R D E R

Applicant No.2 retired as Lab Technician from
Safdarjung Hospital on 31.12.1994. In 1992, he was
allotted a Government quarter No.G-488, Srinivas Puri,
New Delhi from the Safdarjung Hospital Pool. His son,
Applicant No.1 joined as Lower Division Clerk (LDC) in
the Collectorate of Customs and Central Excise, New Delhi
on 5.12.1989. Since he shared the accommodation with his
father he did not claim HRA from the date of the

allotment of the Government quarter to Applicant No.2. On the retirement of Applicant No.2, a representation was made for regularising the accommodation in question in favour of Applicant No.1. This was refused and eviction proceedings were initiated by the Estate Officer, proceedings were initiated by the Estate Officer, thereafter came in Safdarjung Hospital. The applicants thereafter came in OA No.71/96 which was disposed of by an order dated 18.12.1996 with the following directions:

"In view of the above position, this OA can be disposed of with the direction that before any action is taken for eviction, the applicants will be given an opportunity to present their cases including a personal hearing, if they so wish and final orders will be passed giving answers to all the points raised by the applicants before the Estate Officer. The respondents shall maintain status quo in respect of the accommodation in question till then. This will be without prejudice to their right to charge any penal/damage rent. No Costs."

2. The request of the applicants having been finally rejected, they have now come again in the present OA seeking a direction to the Directorate of Estates to regularise the allotment of the house in favour of Applicant No.1 w.e.f. 1.5.1995 or in the alternative to give suitable accommodation to Applicant No.1 from the general pool by allowing exchange of pools by the respondents.

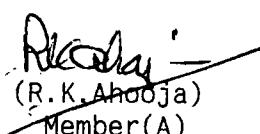
3. The respondents have, in their reply, stated that Applicant No.1 is entitled to ad hoc allotment only if his father had been allotted Government accommodation within the general pool. Since the house in question is in Safdarjung Hospital Pool, under the Rules, the plea of the applicants cannot be accepted.

4. In his arguments before me, the learned counsel for the applicant has relied on the orders of this Bench in OA No.1257/96 and OA No.818/96. In those cases also

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the claim was made for ad hoc allotment when the original allottee was holding the accommodation from the Hospital Pool. Noting that in the past also in similar cases, the authorities concerned had considered inter pool exchange of the houses they were asked to consider and decide the case in respect of the applicants in those cases within a specified period.

5. I am satisfied that the present case also is on all fours with the aforementioned OAs No.1257/96 and 818/96. Accordingly, the present OA is also disposed of with a direction that 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 applicants 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 but this will be without prejudice to the right of the respondents to claim rent as per Rules. There shall be no order as to costs.


(R.K. Ahoja)
Member(A)

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