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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.351/97

New Delhi: this the 14th May, 1998.

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

Harpal Singh Janojer,
S/o Late Sh.Harsaran,
Q.No. N-605,
Kasturba Nagar(Sewa Nagar),

New Delhi- 3

.....Applicant.

(By Advocate: Shri B.N.Bhargava)

Versus

1. NCT of Delhi,
through the Chief Secretary,
Old Secretariate,
Delhi.

2. The Estate Officer &
Asstt. Director (Litigation),
Directorate of Estate,
Room No.411, Nirman Bhawan,
New Delhi.

3. The Joint Secretary (Medical),
PHC 1, Jawahar Lal Nehru Marg,
New Delhi -2

4. The Medical Superintendent,
Lok Nayak Hospital,
New Delhi- 2

..... Respondents.

(By Advocate: Shri Harbir Singh)

JUDGMENT

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

Applicant impugns respondents' order dated 27.1.97 (Annexure-A1) and seeks regularisation of Qr. No. N.605 Sewa Nagar.

2. Applicant belongs to SC community. Consequent to his father's death on 30.12.89, who was the allottee of the aforesaid quarter, applicant got compassionate appointment as Nursing Orderly in LNJP Hospital w.e.f. 15.1.90 and applied for regularisation of the aforesaid quarter in his name on 28.2.90 (Annexure-A/5). After a lapse

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of nearly 5 years 8 months respondents rejected the prayer vide letter dated 15.10.96 and initiated eviction proceedings against applicant resulting in issue of impugned order dated 27.1.97.

3. I have heard applicant's counsel Shri Bhargava and Shri Harvir Singh for respondents.

4. Respondents contend that as per policy only ministerial staff working in LNJP Hospital are entitled to General Pool Accommodation, and under FR 9(17) a Nursing Orderly not being a ministerial staff member i.e. applicant is not eligible for regularisation of the aforementioned quarter.

5. I notice that in this case, respondents have acted with great tardiness, which is unfortunate while applicant applied for regularisation on 28.2.90 itself. Respondents took nearly 5 years 8 months to communicate rejection. It is also settled practice to make interpool exchange of quarter and such exchange has also been noticed by the Tribunal in its judgment dated 10.9.97 in OA No.203/97 Shri Gosain Ram & one other Vs. Directorate of Estate & one other. No reasons have been furnished as to why the practice of interpool exchange of quarters was not resorted to in the present case, if respondents found any difficulty in regularising Qr. No. N.605, Sewa Nagar in applicant's name.

6. In the result, this OA is disposed of with a direction to respondents to consider regularising a Type I quarter from LNJP Hospital's own pool in

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exchange for Gr. No. N 605 , Sewa Nagar which belongs to General pool. Such consideration should be completed by respondents within 3 months from the date of receipt of a copy of this order. Applicant will be liable to payment of ~~the~~ license fees as per rules.

7. The OA is disposed of in terms of para 6 above. No costs.

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

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