

Central Administrative Tribunal
Principal Bench

O.A. 88/97

New Delhi this the 19th day of September, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Shri Binda Saran,
S/o Shri Shyam Lal Shukla,
R/o 29/7 Uri Enclave,
19, Poultry Farm,
Delhi Cantt-110 010. Applicant.

(By Advocate Shri S.S. Tiwari)

Versus

1. Union of India, through
Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Station Commander,
Delhi Station,
Station Headquarters,
Delhi Cantt.
3. The Estate Officer,
Delhi Station,
Station Headquarters,
Delhi Cantt-110010.
4. Unit Accountant B.S.O.,
Garrison Engineer (East),
Delhi Cantt-110 010. Respondents.

(By Advocate Shri R.V. Sinha)

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

At the time of hearing of this application, learned counsel for the respondents has relied on the judgement of the Hon'ble Supreme Court in **Union of India Vs. Shri Rasila Ram & Ors. (Civil Appeal Nos. 1301-04/1990)**, decided on 6.9.2000, copy placed on record.

2. In the light of the judgement of the Apex Court, Shri Tiwari, learned counsel has submitted that he

does not press the reliefs prayed for in paragraphs 8(a),
and (b) as the Tribunal does not have jurisdiction with
regard to the cancellation and eviction orders passed by
the competent authority under the Public Premises
(Eviction of Unauthorised Occupants) Act, 1971.

(23)

3. However, Shri Tiwari, learned counsel has
pressed ^{the} relief at paragraph 8(c), that is for a direction
to the respondents to frame rules pertaining to temporary
allotment of Government accommodation. He has also
submitted that Shri Ranjit Singh who had filed application
(OA 821/96), copy placed on record, is junior to the
applicant in the present case. He has submitted that the
respondents have also not filed any reply to his averments
noted in Tribunal's order dated 10.7.2000 that Ranjit
Singh is junior to the applicant. He has, therefore,
prayed that as a key personnel the applicant should be
entitled for allotment of the quarter. It is noted from
the reply filed by the respondents that they have not
denied that the applicant's trade falls in the category of
key personnel. Their contention is that he would be
entitled for consideration for allotment of key personnel
accommodation from GE (East) pool and not from Defence
Pool. That being so, the respondents should consider the
case of the applicant for allotment of quarters of the
type he is entitled as a key personnel.

4. With regard to the claims of the applicant for
directing the respondents to frame rules pertaining to
temporary allotment of Government accommodation, it is
J.S.

settled law that it will be for the rule making authority to consider the relevant circumstances for framing appropriate rules if they consider so fit.

(2A)

5. In the result, O.A. is disposed of as above.
No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

'SRD'