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Central Administrative Tribunal
Principal Bench, New Delhi.
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OA 907/97

New Delhi, this the 23rd day of May, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)
Hon'ble Shri K. Muthumukar, Member (A)

Dr. Harsh Wardhan,
r/o Flat No. 59, Type-V,
Lodhi Road Complex,
New Delhi.

....Applicant

(By Advocate: Ms Raman Oberoi)

-Versus-

1. Union of India through
Secretary,
Ministry of Urban Affairs & Employment,
Nirman Bhawan,
New Delhi.
2. Directorate of Estate,
Ministry of Urban Affairs & Employment,
Nirman Bhawan,
New Delhi.
3. Medical Superintendent,
Safdarjung Hospital,
New Delhi.

...Respondents

(By Advocate : Shri S.M. Arif)

O R D E R (ORAL)
(Dr. Jose P. Verghese, Vice-Chairman (J))

The petitioner has approached this court challenging eviction on the basis of the Supreme Court's decision in the matter of S.S.Tiwari's case. Learned counsel for the petitioner has stated that the petitioner being a Senior Specialist of Cardiology, he was occupying a general pool accommodation and in pursuance to the direction of the Supreme Court, the petitioner is not entitled to continue to hold the general poor accommodation rather he will have to obtain an in turn allotment from the eligible office. On the basis of his entitlement, he made an application to the office of the Medical Superintendent who in turn wrote a


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letter on 10.1.1997 to the respondents No. 2 requesting them that the quarter he has been occupying may be placed in the Safdarjung Hospital pool for specific allotment till a similar type of quarter has become available in the Hospital pool and till the same is allotted to the petitioner in accordance with his seniority. Respondent no. 2 has not filed any reply so far while the petitioner has produced a letter written by the respondent no. 2 on 28.4.1997 stating that the Medical Superintendent has condoned the delay, the petitioner committed in making his application for in turn allotment from the Hospital pool. In the circumstances we direct the respondents to settle the matter between themselves as quick as possible²²⁴⁴ as per observations made above and in the meantime it is directed that the petitioner shall not be evicted from the present accommodation. The respondents may either place the quarter, the petitioner is occupying, in the Hospital Pool or desist from evicting the petitioner till a suitable accommodation is allotted to the petitioner by the Hospital authorities.

With these above directions, this OA is disposed of finally with no order as to costs.

A copy of this order be given to both the parties.


(K. Muthukumar)
Member (A)


(Dr. Jose P. Verghese)
Vice-Chairman (J)

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