

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.984/97
M.A.No.1028/97

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

New Delhi, this the 9th day of February, 1998

10

1. Shri Anil Kumar Sharma
s/o Sher Singh
working as an L.D.C. in the
Central Govt. Health Scheme
M/o Health & Family Welfare
New Delhi and residing at
Kotla Mubarak Pur
New Delhi.
2. Shri Sher Singh
s/o Shri Dal Chand Sharma
retired as U.D.C. from the
office of the Executive Engineer
Public Works Department
Division No.16
Govt. of N.C.T. Delhi
and residing at
Kotla Mubarak Pur
New Delhi.

... Applicants

(By Shri B.Krishan, Advocate)

Vs.

1. The Director of Estates
Directorate of Estates
4th Floor, 'C' Wing
Nirman Bhawan
New Delhi - 110 011.
2. The Estate Officer
Directorate of Estates
4th Floor 'B' Wing
Nirman Bhawan
New Delhi - 110 011.

... Respondents

(By Shri S.Mohd. Arif, Advocate)

O R D E R (Oral)

Heard the learned counsel for the applicant. The issue involved in this case has within a narrow compass.

2. Applicant No.1 is a son of Applicant No.2 who retired on attaining the age of superannuation w.e.f. 31.10.1995. Applicant No.2 was an allottee of a Govt. residence in New Delhi. Applicant No.1 who had joined Govt. service way back in 1991, had sought his transfer to Delhi but this came about only

Dr

on 30.10.1995 when orders for his transfer were issued. He was relieved the next day and joined at Delhi on 1.11.1995. He thereafter submitted an application for regularisation of the quarter allotted to his father on 16.11.1995. The request, however, was rejected and ultimately resulted in the eviction of the applicants from the house allotted to Applicant No.2 vide order dated 22.11.1996. 11

3. The learned counsel for the applicant vehemently argued that the Rules on the subject issued vide O.M.No.12035(7)/79-Pol.II dated 1.5.1981 provide that the regularisation can take place when the relation is a Govt. servant eligible for allotment of accommodation in General Pool and had been continuously residing with retiring Govt. servant for at least three years immediately preceding the date of his/her retirement or had been transferred any time within preceding three years to the place of posting of the retired government servant. He urged that since the transfer order of Applicant No.1 had been issued on 30.10.1995 when Applicant No.2 was still in service, Applicant No.1 would be entitled to the benefit of the aforesaid O.M. He also submitted that Applicant No.1 had sought his transfer to Delhi as far back as in 1991 and the delay in being posted to Delhi could not be attributed to Applicant No.1. In the circumstances, he argued that the relief prayed for may be granted.

4. I have considered the matter. It is an admitted position that Applicant No.1 joined at Delhi only on 1.11.1995 when Applicant No.2 had already superannuated on 31.10.1995. The gap may be of only one day, nevertheless, that gap is a real one. It cannot be said that Applicant No.1 was staying with the

father at the time the father retired. In the circumstances, Applicant No.1 was not entitled to the benefit of regularisation in terms of O.M. dated 1.5.1981.

12

5. In the light of the above discussion, I find no ground for interference, the OA is therefore dismissed. No costs.

R.K. Ahooja
(R.K. AHOOJA)
MEMBER (A)

/rao/