

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

U.A.NO.2170/94

New Delhi, this the 20th day of July, 1995

Hon'ble Shri J.P. Sharma, Member(J)

1. Sri D.D. Verma,
I/11544, Subhash Park Extension,
Gali No.10m Navin Sahadara,
Delhi.

2. Ms. Shashi Verma
c/o Sri D.D. Verma,
I/11544, Subhash Park Extension,
Gali No.10m Navin Sahadara,
Delhi.

... Applicants

By Advocate: Mrs. Sarla Chandra

Vs.

1. Union of India,
through the
Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.

2. Director,
Directorate of Printing,
Nirman Bhavan,
New Delhi.

3. Manager (L.P.U),
Government of India Press,
Minto Press,
New Delhi.

... Respondents

By Advocate: Shri Hari Shankar, proxy for
Shri Madhav Panikar

ORDER

Applicant No.1 is the father who retired
as Compositor Grade I in the Govt. of India Press,
Minto Road, New Delhi on 31.3.1993. Applicant No.2
is the married daughter of Applicant No.1 who is
also working in the Press as Junior Artist since

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26.4.90 and was sharing the accommodation with her retiree father in Quarter No.E-20, Govt.of India Press, Minto Road, New Delhi. The applicant No.1 continuous to occupy the premises after retirement having applied for regularisation of the quarter in the name of her daughter on 28.6.93 but she was not given any reply and instead a memo. was sent dated 31.8.94 asking the Applicant No.1 to deposit a sum of Rs.22,680/- as damage charges for the period from 1.8.93 to 15.6.94.

The present O.A. has been filed for the relief for direction to the respondents to allot and regularise the quarter in the name of Applicant No.2 and stay the illegal and arbitrary recovery of damage charges imposed on Applicant No.1.

On notice the respondents contested the application and stated that since Applicant No.2 is not eligible being married daughter though she had been living with her father for the last more than 3 years, as such her application was not considered. The recovery has been sent to Applicant No.1 for unauthorised occupation of the said quarter.

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Heard the learned counsel of the parties at length and perused the record. The Govt. of India, Director of Estates issued U.M. dated 17.12.91 with regard to concession of adhoc allotment of general pool to eligible dependents/relations of Govt. employee on their retirement and eligibility of married daughter. The aforesaid notification is reproduced below:-

No.12035(14)/82-Pol.11(Vol.11)
Government of India
Directorate of Estates

New Delhi 17.12.91

OFFICE MEMORANDUM

Sub: Concession of adhoc allotment of general pool to eligible dependents/relations of Govt. employees on their retirement - eligibility of married daughter.

In exercise of the powers conferred under SR-317-B-25 allotment of Govt. residences (General Pool in Delhi) Rules, 1963 the instructions exist that when a govt. servant who is an allottee of general pool accommodation retires from service his/her son/unmarried daughter or wife/husband as the case may be, be allotted accommodation from the general pool on adhoc basis subject to fulfilment of prescribed conditions. It has now been decided to extend the scope of this concession to the married daughter of a retiring official, in case he does not have any son of in case where married daughter is the only person who is prepared to maintain the parent(s) and the other are not in a position to do so (e.g. minor sons). This will be subject to the following conditions which are also applicable to the other eligible wards seeking such concession:-

1. The ward should be continuously residing with the retiring Govt. servant and not drawing HRA for atleast 3 years immediately preceeding the date of his/her retirement. In case, however, a person is appointed to the govt. service within the period of 3 years preceeding the date of retirement or has been transferred to the place of posting of the retiring govt. servant any time, within the preceeding 3 years, the date of posting to that station shall be applicable for the purpose.

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2. The concession shall not be available in case where the retiring officer or a member of his family own a house at the place of his/her posting.
3. The eligible dependent will be allotted accommodation one type below his/her entitlement. In no case, except otherwise specified, allotment will be made to a higher type of accommodation, then in occupation of the govt. servant. However, where the eligible govt. servant is entitled to type II or higher type of accommodation, he/she may be allotted accommodation in type II on adhoc basis, even if the retiring govt. servant was occupying a type accommodation.
4. The clearance of all dues outstanding in respect of the premises in occupation of the retired officers shall be an essential condition for the consideration or an allotment to an eligible dependent.

sd/-
(R.D. SAHAY)
Deputy Director of Estates
(Policy)"

It appears that the respondents have not complied with the aforesaid notification in considering the application of the applicant No.2. The respondents have to consider whether the Applicant No.2 falls in any of the categories and merely because she is the married daughter would not disentitle her as she has been sharing the accommodation with her father for the last 3 years and other eligibility conditions as laid down has to be seen by the respondents. After considering the application of Applicant No.2, the respondents have to pass an order and convey the same to the applicants. It is only thereafter that the damages can be realised as per rules. The respondents in their reply admitted that the application was not considered and that is totally unjustified and arbitrary action on the part of

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respondents. The respondents have to consider the same and if the applicant does not fall in the category of married daughter who can be given out of turn allotment being ward of the retiree, that has to be conveyed to the applicants. Thus, the order of recovery before deciding the application of regularisation of the quarter or allotment of alternative accommodation to Applicant No.2 is totally uncalled for and therefore liable to be stayed.

The application is allowed with the direction to the respondents to decide the application of regularisation of the quarter for Applicant No.2, being married daughter of Applicant No.1 and whether it falls in the eligible class of O.M. of December, 1991 referred to above, till such time the application for regularisation is disposed of, the recovery levied against Applicant No.1 is stayed. Cost on parties.

J.P. Sharma
(J.P. SHARMA)
MEMBER (J)

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