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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 304/94

New Delhi this the 24th day of May 1994

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

1. Smt. Nirmal Sharma,
Wife of Shri K.S. Gautam,
Resident of H-316, Sarojini Nagar,
New Delhi.
2. Shri K.S. Gautam,
son of Late Shri Duli Chand Gautam,
Resident of H-316 Sarojini Nagar,
New Delhi. Applicants

(By Advocate : Shri D.P. Avinashi)

Vs.

1. Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
2. Director,
Dte. of Estates,
Government of India,
Nirman Bhawan, New Delhi. ... Respondents

O R D E R

Hon'ble Mr. J.P. Sharma, Member J.

Applicant No. 1 is the wife who is working as a Drawing Teacher in Govt. Girls Sr. Secondary School No.2, Sarojini Nagar under Delhi Administration. Applicant No. 2 is the husband of Applicant No. 1 was serving as a Language Teacher in Govt. Boys Sr. Secondary school, Netaji Nagar, New Delhi and retired on 31.5.1993. Applicant No. 2 was allotted Government residence No. H-316 Sarojini Nagar, New Delhi. Applicant No. 1 was living in the said accommodation for the last 22 years alongwith the husband, Applicant No. 2 and was not claiming any House Rent Allowance since 25.11.1971. After the retirement of the husband on 31.5.1993, the wife applied

for regularization of the Government accommodation in her name on 20.9.1993. She has not been given any reply though she has pursued the matter through Member of Parliament and after through the Leader of the Opposition, Lok Sabha. The Applicant No. 2 was informed by the Principal regarding the notice issued by the Directorate of Estate dated 17.11.1993 for eviction of the Government premises H-316, Sarojini Nagar. The present application was filed in January 1994 and the applicants prayed that the order of vacating the quarter dated 17.11.1993 be quashed and quarter No. H-316, Sarojini Nagar be regularised in favour of the applicant No. 1 or any other suitable Government accommodation be allotted and the normal licence fee be charged.

2. A notice was issued to the respondents but none appeared and interim direction was issued on 15.2.1994 that the respondents not to dispossess the applicant from the accommodation. On 2.3.1994 Shri George Parickan appeared for respondents and sought time to file reply. When the case was taken on 11.4.1994, no reply was filed and none appeared for the respondents and the matter was adjourned to 2.5.1994. On 2.5.1994 none appeared for the respondents and another opportunity was given to them to file reply within two weeks. The matter was taken up on 23.5.1994 when none appeared for the respondents nor any reply was filed so the case has been heard at the admission stage.

3. The Government of India has laid down the norms and guidelines for ad hoc allotment/regularization of General Pool Accommodation to eligible dependent/relations of Government employees on their retirement. OM No. 12035(14)/82-POL II (Vol. II) (I) dated 9.11.1987 issued by the Dte. of Estates, Government of India. This circular allows the dependent ward of the retiree to get the accommodation

regularised if he/she otherwise fulfil the conditions and this regularization will be from the date the eligible wards has applied for regularization. This is a case where wife has been living with her husband in the same premises and the wife has not claimed any House Rent Allowance since 1971. The husband retired on 31.5.1993. The case is fully covered for out of turn allotment/regularization in the name of the wife who is already eligible for allotment of the same type of quarter.

4. However, both the applicant Nos. 1 and 2 have been the employees of Delhi Administration and the premises belongs to General Pool Accommodation. Since the applicant No. 2 has been allotted from the General Pool Accommodation so the case of the Applicant No. 1 has also to be considered on the same basis. If the Applicant No. 1 is not entitled to the General Pool Accommodation then she can be allotted an alternative accommodation of Delhi Administration if any and till such time she has a claim to retain the possession of this quarter. It may be that the Dte. of Estate may earmark this quarter for Delhi Administration Pool/NCT of Delhi and another accommodation may be taken over from Delhi Administration from General Pool. In any case Applicant No.2 being the wife cannot be thrown on the road alongwith her children and her retired husband. The whole purpose of the OM referred to above will be repealed. It may be because of this that the respondents did not contest this application. ~~did not contest this application.~~

5. The application is, therefore, allowed with the direction to the respondents either to regularise the present Government accommodation as H-316 Sarojini Nagar, New Delhi in favour of the Applicant No. 1 or allot another eligible type Govt. accommodation on out of turn basis to Applicant No. 1

and till such time she may not be evicted from the present premises. The notice dated 17.11.1993 is quashed and the respondents to comply with the direction within the period of three months from the date of receipt of the copy of this order. The application is disposed of accordingly leaving the parties to bear their own costs.

J. P. Sharma
(J.P. Sharma)
Member (J)

Mittal