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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 305/94

New Delhi this the 24th May 1994
Hon'ble Member Mr. J.P. Sharma, Member (J)
Hon'ble Member Mr. B.K. Singh, Member (A)

Shri M.D. Sharma,
Son of Lt. Khima Nand,
resident of EF-654, Sarojini Nagar,
New Delhi-110 023.

(Retired Senior Post-Graduate Teacher)

Shri Girish Sharma,
Son of Shri M.D. Sharma,
resident of EF-654, Sarojini Nagar,
New Delhi-110 023.

Working as Clerk in the office of
Principal Director of Audit
Economic & Service Ministries,
New Delhi.

... Applicants

(By Advocate Shri Mukesh Kumar Gupta)

Vs.

1. Union of India
through
The Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi-110 011.
2. The Directorate of Estate,
Nirman Bhawan,
New Delhi-110 011.
3. Comptroller & Auditor General of India,
through its Administrative Officer
10 Bahadur Shah Zafar Marg,
New Delhi-110 002.

... Respondents

(By Advocate Shri V.S.R. Krishna)

O R D E R

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

The Applicant No. 1, is the father of Applicant No. 2, who retired on 30.6.1992 as Senior Post-Graduate Teacher and was in possession of Government accommodation Quarter No. EF-654, Sarojini Nagar, New Delhi. The Applicant No. 2 is the son of Applicant No. 1 who joined as a Clerk in the Office of the Principal Director of Audit Economic & Service Ministries, Government of India, New Delhi on 9.1.1991. The Applicant No. 2 applied for allotment of Government residence in pursuance of OM No. 12035(7)/79-Pol.II, Ministry of Works and Housing (Directorate of

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Estates) dated 1.5.1981. He was allotted a Type 'B' quarter and the allotment letter dated 11.6.1993 was sent to him but since the Applicant No. 2 was on leave, the same was not delivered to him. In the meantime the Directorate of Estates has issued Eviction Order dated 7.2.1994. Both the applicants jointly filed this application on 14.2.1994 for the relief that the Respondents No. 2 be directed to allot Type 'B' accommodation to applicant No. 2 as per their letter dated 13.11.1992, and the Eviction Order dated 7.2.1994 be quashed.

2. By the order dated 15.2.1994, the Eviction Order dated 7.2.1994 was stayed. On the notices issued to the Respondents for 2.3.1994, Shri George Parikan appeared for the respondents and the case was listed for 11.4.1994. On 11.4.1994 none appeared for the respondents to oppose the interim relief. On 2.5.1994 the respondents were granted ^{time} to file the reply within two weeks and the case was ordered to be listed on 23.5.1994. None appeared today on behalf of the respondents. Shri M.K. Gupta appeared for the applicant and the application has been heard on merit.

3. The short question involved in this case is that the order of the respondents dated 13.11.1992 providing a Type 'B' accommodation to applicant No. 2 has not been carried out. They sent the allotment letter to his residence but that could not be delivered to Applicant No. 2 because he was on leave from 18.6.1993 to 21.6.1993. The applicants, therefore, have stated that there was no fault on their part as no allotment order of Type 'B' accommodation has been served to them. The Administrative Officer of CAG has also written to Directorate of Estates to reconsider the case of the applicant by the letter

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dated 27.1.1994. However, the Applicant No. 2 was not given any allotment letter.

4. In view of the above facts and circumstances, the order of Eviction dated 7.2.1994 cannot be said to be fair and just. But the applicants can retain the quarter of their own risk after the order dated 11.6.1993 and shall be liable to pay damages according to rules from that date. The moment the respondents make available Type 'B' accommodation to applicant No. 2, the applicants shall vacate the Government accommodation within one month from the date of allotment and possession of Type 'B' accommodation.

5. The application, therefore, is partly allowed with the following directions:

- a) The respondents are directed to allot Type 'B' accommodation to Applicant No. 2, Shri Girish Sharma working as Clerk in the Office of Principal Director of Audit Economic & Service Ministries, Government of India, on the basis of first available vacancy as expeditiously as possible within three months from the date of receipt of copy of this order.
- b) The Eviction Order dated 7.2.1994 shall not be carried out if the applicant deposits the normal licence fee of the premises ^{type c rate} from 30.6.1992 to 30.10.1992 at the normal rate and thereafter double the rate till 11.6.1993. After 11.6.1993 they shall be liable to pay damages according to the extant rules.

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- c) If the allotment of Type 'B' quarter in favour of Applicant No. 2 is made as said above, and the Applicant No. 2 is delivered possession then the premises, in question, be vacated within one months thereof and in case of default the Eviction Order dated 7.2.1994 will be carried out.

J.P. Sharma

(J.P. Sharma)
Member(J)

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