

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 1191/1994

New Delhi, this 16th day of December, 1994.

Shri C.J. Roy, Member(J)

Smt. Vimla Singhal
 w/o Shri V.S. Singhal
 23/155, Lodi Colony New Delhi .. Applicant

By Shri B. Krishna, Advocate

versus

1. Union of India, through the
 Director of Estates
 Nirman Bhawan, New Delhi
2. The Secretary(Land & Bldg.)
 Govt. of NCT Delhi
 Vikas Bhawan, I.P.Estate, New Delhi .. Respondents

By Shri M.K. Gupta, Advocate

ORDER

The applicant is aggrieved by the order dated 28.3.94 (Annexure A-1) by which her request for regularisation of the quarter No.23/155, Lodi Colony in her name has been rejected. The applicant is a teacher under the Delhi Administration with effect from 16.7.68 and she has been living in the quarter allotted to her husband, while he was also serving as Teacher under the Delhi Administration and has not been drawing HRA. The applicant's husband retired from service 30.11.93. The applicant sent her application on 23.12.93 (Annexure A-2) alongwith the relevant documents for regularisation of the quarter in her name but the same was rejected by the order dated 28.3.94 saying that the same is not covered under the rules. Her husband sent another appeal dated 18.5.94 alongwith advance licence fee for retention of the quarter upto 31.7.94 on medical grounds. But the same was rejected vide letter dated 19.5.94. The applicant sent her application 23.5.94 to the Delhi Administration for allotment of suitable Type D accommodation, which is stated to be pending. In the circumstances, the applicant has filed

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this OA with a prayer for directing the respondent No.1 to regularise the impugned quarter in her name from the date of cancellation or in the alternative respondent No.2 may be directed to allot a suitable alternative accommodation from its pool and until that she may be allowed to continue in the present accommodation on normal licence fee.

2. The respondents have filed their reply defending their action *inter alia* stating that as per the latest policy decision of the government, teachers working under Delhi Administration are not eligible for general pool accommodation. It is also stated in the reply that date of priority being 16.7.68, the applicant is not covered for allotment of general pool accommodation and therefore it is for the applicant to apply to Delhi Administration in this connection.

3. The learned counsel for the applicant draws my attention to the decisions given in OAs 831/90, 160/91, 2527/92, 126/91 and 2061/92 by the Principal Bench whereby the respondents were directed to allot suitable accommodation to the applicants therein. He further states that the RA and SLP filed by the Union of India against the judgement in 831/90 were dismissed. He therefore prays that a similar direction may be passed in the present case also.

4. In this case, the applicant is a teacher, who has been allotted quarter by the Central Government even after 27.12.91, the date from which there is a ban for allotment of general pool accommodation to teachers of Delhi

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Administration, as per OM dated 27.12.91 issued by the first respondent. The husband and wife in this case are both teachers. After this ban, when the husband is allotted, why not the wife is also be allotted. The former point is not disputed by the Respondent No.1. However, going by her length of service, the applicant is entitled for quarter of her entitlement in her own right, her date of priority being 16.7.68. In the circumstances, I feel it is a fit case for giving the following directions.

5. Following the reasonings given in the judgements cited at para 3 above and the fact that applicant is entitled for allotment of quarter in her own right because of the length of service she has put in, the second respondent (Delhi Administration) is directed to allot a suitable quarter from its pool to the applicant within a period of three months from the date of receipt of this order. Till then, or for a reasonable time, the first respondent is directed not to evict the applicant from the impugned quarter and charge only the normal rent, if necessary by applying relaxed condition under SR 317-B-25, for the quarter from the date of its cancellation, as a special case. However, this shall not be treated as a precedent. The OA is thus disposed of. No costs.

Mr. Roy
(C. J. Roy) 16/12/94
Member (J)

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