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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. NO.651/94

New Delhi this the 10th August 1994

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

1. Shri Ved Prakash Sharma
son of Late Shri K.D. Sharma
R/o Quarter Type II/92
North West Moti Bagh,
New Delhi.
2. Shri Rajiv Sharma
son of Shri Ved Prakash Sharma
R/o Quarter Type II/92,
North West Moti Bagh,
New Delhi.

.... Applicants

(Shri M.L. Ohri, Advocate)

Versus

1. Union of India
through the
Secretary to the
Govt. of India,
Ministry of Urban Development,
Nirman Bhavan,
New Delhi.
2. The Director of Estates,
Directorate of Estates,
Nirman Bhavan,
New Delhi.

.... Respondents

O R D E R (O R A L)

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

Both the applicants father and son respectively filed this application on the grievance that on the retirement of the father who was serving as Assistant in the Ministry of Labour and was entitled to a eligible type of accomodation and was allotted Type II, Quarter No.92, North West Moti Bagh, ^{has not been} He regularised in the name of the son who has been working as a regular Lower Division Clerk since February 1991 i.e. 2 years prior to the date of retirement of the father, in the Ministry of Human Resource Development and also

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entitled for the same type of quarter under S.R.317(B). Instead of regularising the said quarter in the name of the son from the date of retirement of the father, the respondents have issued notice for vacation of the premises dated 3.3.94 cancelling the allotment and informing the retiree that he will be *levied* with penal rent and damages if he does not vacate the said quarter within the specified period. Aggrieved by the same in March 1994 this application was filed praying for the grant of reliefs that the said quarter be regularised in the name of the son i.e. Applicant No.2.

2. Notice was issued to the respondents on 4.4.94 and 18.4.94 when service was complete but none appeared. Another notice was issued for 13.5.94 when none appeared for the respondents and again on 5.7.94 none appeared for the respondents and today's date has been fixed. None appeared even today. The respondents are not contesting the application.

3. Having heard the learned counsel for the applicant, it is evident that the applicant No.2 has applied for regularisation of the quarter on the prescribed proforma in May 1993 immediately after his father, applicant No.1 retired from service. The respondents are sitting over this application and did not convey to the applicant any decision, favourable or against, on the said application. Instead the respondents Directorate of Estates has issued notice and further the learned counsel has *placed* ~~prayed~~ before the Bench a notice issued on 11.7.94 under section 4/7 of the Public ~~Premises~~ (Eviction of unauthorised Occupants) Act 1971.

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4. Prima facie as per the averments in the application which are unrebutted applicant No.2 is entitled for allotment on out of turn basis of eligible type of accommodation as per the O.M. of Ministry of Urban Development. If the retiree has a ward serving in any of the offices of the Central Government and such ward is eligible for allotment of accommodation from the General Pool maintained by the Directorate of Estates then if such a ward is sharing an accommodation with the retiree and not claiming H.R.A. shall be entitled as a matter of compassion, out of turn allotment/regularisation of the accommodation purposely to ^{rehabilitate} ~~accommodate~~ the retiree for which he had to give an undertaking to the Directorate of Estates. These conditions are satisfied in the present case. There ^{any hindrance} cannot be ~~do order~~ in the regularisation of eligible type of quarter.

5. The application is therefore allowed with the direction to the respondents to consider the case of applicant No.2 for allotment/regularisation of eligible type of quarter in favour of Applicant No.2 and convey the same to the applicant No.2 within a period of 3 months from the date of receipt of a copy of this order. Till such decision is taken no proceedings by way of recovery of any enhanced penal rent or eviction proceedings be drawn against the applicant. In the event applicant No.2 is still aggrieved he shall have a right to assail the same if so advised

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