

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.NO.903/94

New Delhi, this the 23rd day of March, 1995

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

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1. Shri Vinod Kumar,
s/o Dharamveer,
r/o 28/332, Prem Nagar,
New Delhi.

2. Shri Dharamveer,
s/o Ramji Lal,
r/o 28/332, Prem Nagar,
New Delhi.

... Applicants

By Advocate: Shri M.S. Oberoi

Vs.

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

2. The Director,
Directorate of Estate,
Nirman Bhawan, New Delhi.

3. The Medical Superintendent,
Safdarjung Hospital, New Delhi.

... Respondents

By Advocate: Shri D.R. Runubba, UDC
Departmental Representative
Shri V.S.R. Krishna

ORDER (ORAL)

The applicant No.2 Dharamveer is the father of applicant No.1 Shri Vinod Kumar, a Bearer in the Safdarjung Hospital and has been regularly employed having been given a compassionate appointment, the father Dharamveer has been medically declared unfit for further service. Thus, Shri Dharamveer was allotted Govt. accommodation belonging to the Directorate of Estates 28/332, Prem Nagar being a general pool accommodation has desired to be regularised on compassionate ground in favour of the

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son Vinod Kumar. The son Vinod Kumar is entitled as per circular of Directorate of Estates No.14020-74-POL/II dated 5.7.76 read with DEQM 120 No.12035(10)/79/POL-III dated 13.1.77 and DEQM No.120 12035(72)/79-POL dated 28.12.79. As per these circulars and the circular issued by the Directorate of Estates in 1987 the person who is made to retire prematurely on medical grounds is given a welfare scheme of getting his son appointed for eligible category of post and also if such appointee undertakes to rehabilitate the father retiree is entitled to regularisation of the eligible type of quarter on out of turn basis.

2. The contention of the applicant is that the case of the applicant has been recommended by Medical Superintendent, Safdarjung Hospital and also there is a willingness on the part of the hospital administration to release one of the pool accommodation with the Safdarjung Hospital of Type-I in lieu of the Govt. accommodation in possession of general pool of retiree Dharamveer, 28/332, Prem Nagar, New Delhi. The applicant has come before this Tribunal because the Directorate of Estates has not yet regularised the said quarter.

3. Though the respondents have filed the reply and contested the application, the stand of the respondents has been that since the ward of the retiree Shri Vinod Kumar, Applicant No.1 is serving in a non ministerial job and as per extant rules he is not entitled from general pool accommodation.

4. However, Shri D.R.Runubba,UDC appears on behalf of Respondent No.3 and on instructions from the department stated that the hospital authorities are prepared to release one Type-I accommodation of hospital pool in

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favour of the Directorate of Estates and in that event Directorate of Estates shall regularise the accommodation occupied by the retiree Dharamveer in favour of Applicant No.1 Shri Vinod Kumar. The learned counsel for respondents stated that the Directorate of Estates will consider the regularisation of the quarter expeditiously in favour of Applicant No.1 Vinod Kumar. The learned counsel for applicant also suggested that a Quarter No.S-II/994,R.K. Puram, New Delhi of the hospital pool is available which may be released in favour of Directorate of Estates. Departmental Representative Shri Runubba, UDC states that though the quarter suggested by the learned counsel for applicant is not vacant but that will be got vacated from an unauthorised person who has occupied it.

5. In view of the above facts and circumstances, the application is disposed of with the following directions:-

- i) Respondent No.3 Medical Superintendent, Safdarjung Hospital, New Delhi shall make available one Type-I quarter and if possible Q.No.S-II/994,R.K. Puram, New Delhi and that the said quarter for any other accommodation shall stand transferred to the general pool accommodation from the hospital pool. Medical Superintendent shall do it expeditiously in order that no unfair advantage be obtained by the applicant and preferably in a period of 2 months from today.
- ii) In the event of the aforesaid quarter being released from the hospital pool or any other quarter of Type-I in favour of the general pool controlled by Directorate of Estates, the Directorate of Estates shall regularise the Quarter No.28/332, Prem Nagar

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New Delhi in favour of Shri Vinod Kumar from the date when Applicant No.2 Dharamveer stood retired and as such only the licence fee shall be recoverable of the said quarter from the applicant from the date he was appointed and earlier to it from the retiree. The applicants are directed to clear all the arrears if not already paid as licence fee prescribed under the rules. The Directorate of Estates shall do the same preferably within a period of one month from the date the accommodation is released by Respondent No.3 from the hospital pool to the General Pool.

- iii) It is further directed that the applicant No.1 as well as Applicant No.2 shall not be evicted from the present premises 28/332, Prem Nagar, New Delhi till a positive decision is taken on direction No.(i) and (ii) above.

The application is therefore disposed of accordingly with no order as to costs.

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

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