

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

DA No.1270/1994

New Delhi, this 15th day of December, 1994

Shri C.J. Roy, Member(J)

Smt. R. Bhatnagar
w/o Shri K.N. Bhatnagar
A-203, Pandara Road, New Delhi .. Applicant

By Shri B. Krishan, Advocate

Versus

1. Union of India, through
the Director of Estates
Nirman Bhawan, New Delhi-110 001
2. The Secretary
Land & Building Department
Govt. of NCT, Delhi
Vikas Bhawan, IP Estate, New Delhi .. Respondents

By Shri V.S.R. Krishna, Advocate

O R D E R

The applicant is aggrieved by the letter dated 12.1.94 (Annexure A-1) passed by R-1 not acceding to regularise the government accommodation A-203, Pandara Road, which was allotted to her husband while he was in Government service, in her name. The facts leading to the filing of the DA are that the applicant is employed as a Teacher under Respondent No.2 and is entitled for Type D accommodation from Delhi Administration as well as General Pool. She has been living in the above said accommodation with her husband allotted to him in 1985 and she made an appeal on 26.8.93 (Annexure A-2) to regularise the quarter in her name on the retirement of her husband with effect from 28.2.94. But the same has not been acceded by the respondents saying that the Teachers working in the school of Delhi Administration are not eligible for General Pool accommodation. Hence this application with the prayer for regularisation of the quarter in her name

and that she may not be made liable to pay sort of damage rent etc. for the said premises.

2. The respondents have filed their reply stating that as per the existing policy instructions, the teaching staff working in Delhi Administration Schools are not eligible for allotment of general pool accommodation and that only eligible wards of retired/deceased employee of Delhi Administration are eligible for general pool accommodation.

3. I have heard the learned counsel for the parties and perused the records.

4. The learned counsel for the applicant has cited a few examples, viz. one Smt. Sharma and Smt. A.S. Madan, both employed as Teachers under Delhi Administration, where they have been allowed regularisation of the accommodation in their name on retirement of their husbands. Similarly, he has also drawn my attention to the decisions in OA 831/90, OA 160/91, OA 2527/92, OA 1226/91 and OA 2061/92 where the teachers of Delhi Administration have been given similar relief. Therefore, his contention is that the applicant here can not be discriminated against similarly situated employees.

5. Based on the reasonings given in the above mentioned decisions, it is a fit case for taking a lenient view by applying relaxation of SR-317-B-25.

6. In the circumstances, the impugned letter dated 12.1.1994 is quashed and I direct the second respondent (Delhi Administration) to allot a suitable quarter to the applicant within a period of 3 months.

I also direct the first respondent not to evict the applicant from the said quarter till she gets a quarter from the second respondent within a reasonable time. As stated supra, by taking a lenient view and, if necessary, applying relaxed procedure under SR 316-B-25, only normal licence fee may be charged for the impugned quarter from the date of cancellation. With this, the OA is disposed of. No costs.

(C.J. Roy)
Member (J)

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