

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1532/94

(A)

New Delhi this the 16th day of August, 1999.

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Sh. N. Sahu, Member(A)

Sh. Gopal Krishan Taank,
S/o Sh. Sadhu Ram Taank,
R/o 5/158, DDA Flats,
East of Kailash, Garhi,
New Delhi.

..... Applicant

(Present none)

versus

Director of Estates,
Nirman Bhawan,
New Delhi-11.

..... Respondent

(through Sh. VSR Krishna, advocate)

ORDER(ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

The applicant who is working with the Ministry of Communications is aggrieved by the action of the respondents in not allotting government accommodation to him on out of turn basis, although according to him he should have been allotted the accommodation on or before 5.2.1993. This, he claims was in accordance with the rules and recommendations of the then Minister.

2. The respondents in their reply have submitted that they have issued a sanction letter for ~~an~~ ad hoc allotment of government quarter (T.B.) without restriction of locality/floor on next available vacancy (NAV for short) basis by Minister of ~~State~~ (MOS for short) on 25.7.92 vide their

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sanction letter dated 05.08.1992. His name has been listed at Sl. No. 1022 for ~~an~~ ad hoc NAV sanction wait list (WL). Shri VSR Krishna, learned counsel for the respondents has also submitted that as per the then existing rules and instructions, applicant's turn would arise according to the listing in the Sl. No. i.e. 1022 for ~~an~~ ad hoc allotment. He has also submitted that during the pendency of the O.A., the Hon'ble Supreme Court has pronounced ^{the} decision in **Shiv Sagar Tiwari Vs. U.O.IÑ** (1997(1) SCC 444. In view of this decision, the ld. counsel has submitted that the earlier sanction letter would lose its sanctity and respondents are obliged to follow the law laid down in S.S. Tiwari's case (supra).

3. We have considered the pleadings on record and the submissions made by the learned counsel for the respondents.

4. We see force in the submissions made by the learned counsel for the respondents that after the judgement of the Supreme Court in S.S. Tiwari's case (supra), the decision of the competent authority to place the applicant's case at Sl. No. 1022 for out of turn allotment loses its sanctity. The respondents are bound by the decision of the Hon'ble Supreme Court and have to strictly abide by the rules regarding allotment/out of turn

Yours

(b)

allotment of government accommodation to eligible
government servants.

5. In view of the above position, the O.R.
is dismissed. No order as to costs.

K. S. Sahu
(Sh. Sahu)

Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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