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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.162/1994

New Delhi, This the 26th Day of July 1994

Hon'ble Shri P.T.Thiruvenoadaam, Member(A)

Shri Kapur Singh Dalal, Inspector
son of Shri Piru Singh Dalal
R/o G-4 Police Station Kalkaji
New Delhi.

...Applicant

By Shri S K Bhaduri, Advocate

Versus

1. The Dy Commissioner of Police
Headquarter No.3,
Police Headquarter, M S O Building I T O
New Delhi.
2. The Addl Commissioner of Police
(Administration) Police Headquarter
M S O Building I T O
New Delhi
3. The Commissioner of Police
Police Headquarter, M S O Building I T O
New Delhi.
4. Delhi Administration
through Lt Governor, I Rajnivas Marg
Delhi.
5. Shri A K Ohja
Asst Commissioner of Police
R/o P-9 Type III, F R R C Lines
Safdarjang Air Port,
New Delhi.

...Respondents

By Shri B S Gupta, Advocate

O R D E R (oral)

1. Earlier the applicant filed O.A 2023/92 in this Bench of the Tribunal and on 29.9.92 an order was passed directing the respondents to consider allotting quarter No.E-1 Type IV PS Kalkaji as per extant rules taking into account seniority as well as the disability of the applicant. Since the applicant wants the same accommodation in the same locality respondents shall consider his case sympathetically

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(b)

even on out of turn basis as per extant rules.

In the circumstances, the application is disposed of with the liberty to the applicant to assail the order if he is still aggrieved by the same.

It is the case of the applicant ^{that} despite the above orders the above quarter namely E-1 Type IV PS Kalkaji was allotted to Respondent No.5 who is functioning as ACP(Riot). This OA has been filed praying for a direction for cancellation of the above allotment and for allotting of the same quarter to the applicant.

2. The respondents have stated in their reply that ACP Riots Cell is senior on the waiting list for Type IV house at PS Kalkaji and is having a pay of Rs.3400 with effect from 4.10.93 in comparison to the applicant who is drawing Rs.2525 on 1.11.93. The respondents are relying on Standing Order No.3/91 and claim ^{that} the allotment was made to ACP in accordance with the provisions of the above Standing Order. This claim was hotly contested by the learned counsel for the applicant who produced a copy of the standing order No.3dt 16.1.89. Part XXIV. of this order reads as under:-

"(1) A Govt servant to whom a residence has been allotted under these rules may apply for a change with another residence of the same type or a residence of the type to which he is eligible under these rules, whichever is lower."

- i) ...
- ii) ...
- iii) ...
- iv) ...
- v) ...

This rule does not help the case of the applicant since admittedly he has not been in occupation

of ~~the~~ Type IV quarter so far.

3. Be this as it may I note that the main reason that has been agitating the applicant is that he had been suffering from ankylosing spondylitis and that he is declared handicapped and has 70 per cent permanent impairment in relation to his body. To this effect a medical certificate issued by Prof & Head of Orthopaedics, All India Institute of Medical Sciences, New Delhi on 15.9.92 was produced across the bar at the time of hearing. He has been finding it difficult to live in the first floor in which he is at present residing and had been pleading for a long time for a changeover to a suitable ground floor accommodation around the premises of AIIMS where he is taking treatment regularly. He was particular about Kalkaji area since his present accommodation in first floor is in that area i.e. Kalkaji itself. Taking these factors into account the order of 29.9.92 was passed in DA 2023/92 referred supra.

4. I am convinced that the applicant requires sympathetic consideration. He had been hoping to get the quarter E-1, Type IV, PS Kalkaji in view of the various endorsements made and the relevant departmental letters. He has not stated that E-1 Kalkaji is still occupied by the previous occupant who has not vacated the house even though he has retired from service some years back.

5. Taking the entire circumstances in totality it will be in the interest of equity to pass an order that the next available ground floor Type IV house in any adjacent area should be allotted to the applicant. By adjacent area, any locality within 10 Kms of AIIMS including Kalkaji should be considered. While I am not specifically ordering that E-1 Type IV

PS Kalkaji should alone be allotted to the applicant, ~~the respondents are at liberty~~, the respondents are at liberty to consider allotting even this quarter in favour of the applicant as per rules. If for any reason this above quarter cannot be allotted to the applicant the next available Type IV ground floor house in adjacent area as discussed above should be allotted to the applicant as and when such a ground floor house falls vacant. This order is passed in the presence of the applicant and the departmental officers who were present.

6. Under ~~the~~ circumstances, the OA is disposed of with the above direction. In case the applicant is still aggrieved he is at liberty to file a fresh OA. No costs.

P. T. Thiruengadam
(P.T. THIRUVENGADAM)
Member (A)

LCP