

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. 1622/94

New Delhi this the 4th day of July 1995

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

1. Pyare Lal  
S/o Shri Sukh Ram,  
Sector-I, Quarter No.628  
R.K.Puram,  
New Delhi.
2. Mrs. Kaushalya Devi,  
W/o Shrim Pyare Lal,  
Sector-I, Quarter No. 628,  
R.K.Puram,  
New Delhi

....Applicants

(By Advocate: Shri Ashish Kalia)

VERSUS

Union of India

Through

1. Director of Estates,  
Ministry of Urban Development,  
Nirman Bhavan,  
New Delhi
2. The Addl. Medical Supdt.  
(Estates),  
Safdarjung Hospital,  
New Delhi-110 016.

....Respondents

(By Advocate Sh. C.Hari Shanker)

ORDER (Oral)

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

The husband applicant No-1, was employed as a store keeper in Safdarjung Hospital and considered by the Ministerial category of staff. The ministerial category of staff is entitled for allotment of accommodation from general pool. The husband super-annuated on 31-1-94 and he was allotted a quarter in Sector-1, R.K.Puram, Quarter No.628.

Le

...2/

Applicant No. 2 Smt. Kaushalya Devi is legally wedded wife of applicant No-1, three years left to super-annuate and is working in the Safdarjung Hospital, in Group 'C' that post said to be of non-ministerial category. It is understood that Applicant No-2 was sharing accommodation with her husband since marriage and not claiming the HRA as otherwise due to her and also not claimed and allotment of another accommodation under Rules. After retirement of her husband she applied for regularisation of the aforesaid quarter. By the memo dated 29-7-94, administration allowed the claim on the ground that the aforesaid quarter can not be regularised as the same is not covered under the rules. Aggrieved by the same present application has been filed praying for the relief that the aforesaid order be quashed with the direction to the respondents to regularise the quarter Sector-1, 628 R.K.Puram, New Delhi. (15)

2. The respondents contested the application and put objection to the fact that under the administrative instructions which are in-vogue, the applicant No-2 the wife is not eligible for regularisation of the aforesaid quarter as she is not entitled to any allotment regularisation of the general pool accommodation belonging to non-ministerial category of staff of Safdarjung Hospital.

3. The applicant has filed the rejoinder. Respondents also filed MA 495/95 praying that the Annexure of the aforesaid MA be taken on record. However, there is no such Annexure annexed to this MA. MA, therefore, misconceived and is rejected.

4. After hearing for considerable long time the point in issue is whether the applicant No-2 who has shared accommodation to the knowledge of the respondents with the applicant No-1 can be ignored totally on the basis of belonging to non-ministerial category of staff for regularisation of the quarter. The respondents have instructions on the record, OM No. 12035 dated 12-10-90, whereby if the beneficiary

of regularisation is the Central Govt. employees but is not entitled for general pool accommodation then he can be considered for the separate pool also. In that event one pooled accommodation may be spared either for the general pool or for the pool to which the beneficiary belongs.

5. Sh. Hari Shankar empathetically pointed out that the relief in this application is restricted to regularisation of the same premises which were allotted to applicant No-1, the husband who belonged to ministerial category.

6. In such a situation and not considering merits, ~~as~~ the application is disposed of with the direction that the applicant shall make a representation to the respondents once again to provide eligible type of premises which can be provided to the non-ministerial category or shall make a representation that the premises in question be regularised and declared as belonging to non-ministerial category and in view thereof the respondents may take one pooled accommodation of the Safdarjung Hospital or of any other category to quit the issue maintaining the figure of general pool accommodation as well as pooled accommodation as standing before. There is no order of ejectment against the applicant. Till the representation is disposed of the wife applicant No-2. Respondent shall not evict the applicant ~~due~~ from the premises except under process of law. The applicant's representation shall be disposed of by the respondents within three months from the date the same is received by the respondents. No order as to costs.

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

CC.