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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1684/94

New Delhi: June 5, 1995.

HON'BLE MR. S.R. ADIGE, MEMBER (A).

Shri Anil Kumar Singh,
s/o Shri R.B. Singh,
working as a Wireman in Electrical Construction
Division No. IV (Sub-Division No. 1, 35/2, Sector-I,
Pushp Vihar, New Delhi.) CPWD Department, New Delhi
.....Applicant.

By Advocate Shri B.Krishan.

Versus

1. Union of India through
the Director of Estates,
Directorate of Estates,
'C' Wing, 4th Floor,
Nirman Bhawan,
New Delhi.
2. The Estate Officer,
(Shri A.Bains),
Directorate of Estates,
'B' Wing, 4th Floor,
Nirman Bhawan,
New Delhi-110 011. Respondents.

By Advocate Shri V.S.R.Krishna.

JUDGMENT

In this application, Shri Anil Kumar Singh, Wireman, Electrical Construction Division IV, CPWD has impugned the eviction order dated 17.8.94 (Annexure-A1-B) in respect of Quarter No.1181/Sector IV, R.K.Puram and prayed for its allotment with effect from the date of its cancellation i.e. 1.12.93, and further prayed that he may not be made liable to pay any sort of market rent/ damages/ penal rent etc. in respect of the said premises.

2. The applicant's case is that the said quarter was allotted to his father while the latter was in Govt. service who retired on superannuation on 31.7.93, with the result that the allotment was

cancelled w.e.f. 1.12.93. The applicant states that he was sharing the said accommodation with his father for more than three years preceding the date of retirement i.e. from July, 1989, and admits having joined Govt. service on 5.7.93. He states that prior to joining as Wireman, he was a CPWD Muster Roll Worker from 1.8.85 to 4.7.93. He claims he is entitled to regularisation.

3. Directorate of Estates' O.M. dated 1.5.81 (Annexure-A5) lays down that when a Govt. servant who is an allottee of general pool accommodation retires, his son etc. may be allotted accommodation from the general pool on adhoc basis provided the said relation is a Govt. servant and is eligible for allotment of general pool accommodation and has been continuously residing with the retiring Govt. servant for atleast three years immediately preceding the date of his/ her retirement.

4. The respondents have averred that the applicant's prayer is fit to be rejected as he does not fulfill the three years' sharing condition as per rules, and the applicant has also not produced any materials to establish that the respondents had given him the necessary sharing permission effective from three years prior to the retirement of the applicant's father.

5. Under the circumstances, this matter warrants no interference. The O.A. fails and is dismissed. Stay orders, if any are vacated. No costs.

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(S.R. ADIGE)
MEMBER (A).

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