

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Original Application No. 1429/2000

New Delhi, this the 2nd day of January, 2001

HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Shri Tulsi Dass Son of late Shri Mool Chand,
Working as an Personal Assistant in Pass Port
Office, Ministry of External Affairs, Residing at
J-619, Mandir Marg, New Delhi.Applicant.

(By Advocate: Sh. B. Krishan)

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Union of India, through the

1. Director of Estates,
Directorate of Estates,
4th Floor, 'C' Wing, Nirman Bhavan,
New Delhi.
2. The Estate Officer,
Directorate of Estates
4th Floor, 'B' Wing,
Nirman Bhavan, New Delhi-110011.
3. The Chief Welfare Officer,
Department of Personnel & Training
Ministry of Personel,
Public Grievances & Pensions,
Room No. 385, IIIrd Floor, Lok Nayak
Bhavan, Khan Market, New Delhi.Respondents.

(By Advocates: Sh. J.B. Mudgil & Sh. A.K. Trivedi)

O R D E R (ORAL)

delivered by Hon'ble Mr. S.A.T. Rizvi, Member (A):

The applicant in this OA who is a Personal Assistant in the Pass Port Office, Ministry of External Affairs, has been residing in Government Quarter No. J-619, Mandir Marg, New Delhi for 12 years. Following complaints lodged with the local police, the matter was enquired into through the Chief Welfare Officer, DOP&T in accordance with the rules. As a result of the aforesaid enquiry, a decision was taken to shift out the applicant and to allot to him some other quarter in a different

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location. Accordingly as a first step House No. H-64, Narsak Pura, New Delhi was allotted to the applicant on 13.10.1999 which was not acceptable to him. Consequently, the respondents modified the allotment orders and instead allotted House No. J-642, Mandir Marg, New Delhi on 22.5.2000. This too did not find acceptance with the applicant and so the respondents allotted yet another house, House No. 147B in Aram-Bagh area on 7.6.2000. The applicant has refused to accept this offer also. Finally, the respondents have, after following proper procedure, passed a competent order on 24.7.2000 by declaring the applicant as unauthorised occupant of House No. J-619, Mandir Marg, New Delhi. This order is placed at annexure A-1. The applicant has impugned this very order alongwith the letter dated 14.7.2000 placed at annexure A-2. The prayer made is for regularisation of the allotment of the aforesaid House No. J-619, Mandir Marg, New Delhi. The alternative prayer made is that some other house at Mandir Marg area or at Aram-Bagh area may be allotted to him on the ground floor, and until that is done, the Respondent No. 1 should be directed to allow the applicant to continue to reside at House No. J-619, Mandir Marg, New Delhi.

2. After carefully considering the matter and the contentions raised by the learned counsel on either side, I find that as prayed by the applicant, House No. J-642, Mandir Marg, New Delhi was indeed allotted in his favour on 22.5.2000. However, he did not agree to accept that allotment compelling the respondents to change the

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locality and allotment order in favour of the aforesaid Quarter No. 147B, Aram Bagh.

3. The allotment in respect of House No. J-619, Mandir Marg, New Delhi in which the applicant continues to reside has already been cancelled and the applicant has been declared unauthorised occupant thereof by a competent order passed under the public Premises (Eviction of Unauthorised Occupation) Act, 1971. In accordance with a recent well known judgement of the Hon'ble Supreme Court in the case of UOI Vs. Rasila Ram & others (JT 2000 (SC) 503), this Tribunal cannot go into the merit of the aforesaid order which has to be allowed to stand. There is no question, therefore, of regularisation of the allotment of the aforesaid Quarter in favour of the applicant. In so-far-as, the allotment of a quarter alternatively in Mandir Marg area is concerned, the same was done, as already stated, in May, 2000, but the offer was refused by the applicant. In the circumstances, it is not possible to grant any of the prayers made by the applicant. In-so-far as the letter dated 14.7.2000 is concerned, quashing of the same as prayed by the applicant would be meaningless in-as-much as it is not an order, but a simple letter addressed to the Head of the Office under whom the applicant works. Thus in the ultimate analysis, the OA must fail and deserves to be dismissed.

4. It is clarified, however, that the respondents will exercise their discretion in allotting to the applicant yet another quarter in place of House No. J-619, Mandir Marg, New Delhi in accordance with the

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rules, and for this a fresh application/petition will have to be filed by the applicant. The respondents will act as expeditiously as possible and make an allotment in favour of the applicant in any event within two months from the date of receipt of this order.

5. The OA is disposed of in the aforesaid terms.
No costs.



(S.A.T. Rizvi)
Member (A)

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