

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO. 236/2000

New Delhi, this the 19 day of January, 20001

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

Shri Rahamtulla,  
875/V, R.K. Puram,  
New Delhi : 110 022

..... Applicant

(By Advocate : Shri B.K. Sharma)

VERSUS

Union of India through

1. The Directorate of Estates,  
Nirman Bhawan,  
New Delhi
2. The Director General of Light  
houses & Lightships,  
Ministry of Surface Transport,  
Deep Bhawan, A-13, Sector ~0-24,  
Noida (UP)
3. The Administrative Officer,  
Deptt. of Light House & Lightships,  
Deep Bhawan, A-13, Sector 24,  
Distt. Gautam Budh Nagar,  
Noida (UP) ..... Respondents

(By Advocate : Shri D.S. Mahendru)

O R D E R

The applicant in this OA, who is a UDC working in the Respondent No. 2's establishment, is aggrieved by the order dated 4.11.1999 (Annexure-A) passed by the Respondent No.1, cancelling the allotment of Quarter No. 875 located in Sector V, R.K. Puram, in which he has been living with his family as a proper allottee in accordance with the rules and regulations on the subject of allotment of Government residences included in the general pool.

2. The applicant has raised a three fold contention. Firstly, according to him, the aforesaid

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cancellation order is bad as he has not been transferred out of Delhi and rather it is his office which has been shifted out of Delhi to a place in Noida. The second contention raised by him is that even if it is assumed that he has been transferred, he cannot be said to have been transferred out of Delhi in as much as Noida is located in the National Capital Region (N.C.R.) of Delhi. Thirdly, it will be hard on the applicant to shift to Noida keeping in view the educational of his children and the illness of his parents.

3. The learned counsel appearing for the respondents on the other hand advanced the plea that the applicant is bound to comply with the impugned order dated 4.11.1999 for several valid reasons. According to him, in order to decongest Delhi, a decision was taken way back in May 1985, inter alia to shift the Offices of the Respondents No. 2 and 3 to Noida. Since alternative accommodation for the respondents could not get ready on time, they were allowed, in July/August, 1992, to continue in Delhi until the alternative accommodation coming up in Noida got ready. The same did, in fact, got ready in April, 1999, and the Respondents No. 2 and 3 informed the Respondent No.1 that their Department was going to shift to Noida shortly thereafter. While informing Respondent No.1 in the manner stated above, the aforesaid Respondents 2 and 3 sought several clarifications from Respondent No.1 with regard to the possibility of continued retention of residential

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✓ accommodation in Delhi by the employees working under them. The matter was duly considered by the Respondent No.1, who clarified that after the shifting of the Offices of Respondents No. 2 and 3 to Noida, their Departments would become in-eligible for allotment of general pool accommodation for the residence of their employees. This was done in May, 1999. Subsequently in August, 1999, Respondents 2 and 3 informed Respondent No.1 that their offices had actually been shifted to Noida on 12th August, 1999. This letter was accompanied by a list of their employees holding general pool accommodation in Delhi. The names of the Offices of Respondents No. 2 and 3 were thus deleted from the list of eligible offices vide respondent No.1's OM dated 15.9.1999 and this was to take effect from 15.8.1999. It is in consequence of this last OM dated 15.8.1999 that the Respondent No.1 started issuing cancellation orders and the impugned order is one such order issued by the Office of the Respondent No.1.

4. The employees working in the Respondents No.2 and 3 apparently continued to represent their cases for continued retention of residential accommodation in Delhi even thereafter. Accordingly, the aforesaid Respondents again took up the matter with the Respondent No.1 vide their letter of 23 September, 1999, seeking clarifications once again by pointing out specific problems of their employees including the problem of education of their children and the medical treatment of the members of their families. However,

✓ since the existing policy followed by the Respondent No.1 did not permit any exception being made on ground aforesaid, they regretted their inability to acceded to the request vide their letter of 22nd October, 1999.

5. The Learned counsel appearing for the Respondents contends that the decision to shift the Offices of the Respondents No.2 and 3 is an old decision which was known to their employees all along and, therefore, it is not as if a sudden decision has been thrust upon them. Moreover, due to excellent communication facility which now exists between Noida and Delhi it cannot be validly argued that the employees of the Respondents No.2 and 3 including the applicant will be put to great inconvenience by being located at Noida. In the aforesaid circumstances, the allotment of Type-B Quarter No. 875, Sector V, R.K. Puram, has been finally cancelled on 4.11.1999. According to the learned counsel, the Respondents No.2 and 3 are ready to allot a house to the applicant at Noida itself from their departmental pool accommodation. The applicant will, therefore, not be put to any inconvenience insofar as his residence together with his family is concerned.

6. In the background of the above discussions, I find that there is no force in the plea advanced by the applicant that since he cannot be said to have been transferred, the policy in question will not apply to him and, therefore, he can go on living in the said quarter. Similarly, there is no force in his argument

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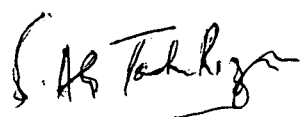
that Noida is included in the N.C.R. Noida, as is clear, is a place outside Delhi and is located in a different State. The policy where-under the Respondents No.2 and 3's offices have been shifted to Noida, has remained known to the applicant also for a long time. He must, therefore, have known that at some time or the other he will be required to shift to Noida even for his residential purposes. He is, of course, free to go on living in Delhi entirely on his own without claiming any right for continued occupation of Govt. accommodation. That choice will be entirely his own. If he depends on Govt. accommodation for residential purposes, he will, in the aforesaid circumstances, have to shift to Noida where, as stated, houses are ready for occupation by the applicant and all others similarly placed.

7. In the background of the above discussions, the OA fails and is dismissed.

8. At the instance of the learned counsel appearing for the applicant, it is clarified that the penal rates will be applied to the applicant only after 22.10.1999 as it is on that date that the Respondent No.1 finally regretted their inability to allow the employees of Respondents No.2 and 3 to continue to reside in the general pool accommodation in Delhi.

2 9. No costs.

(pkr)

  
(S.A.T. RIZVI)  
MEMBER (A)