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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.

DATE OF DECISION: 13.6.1989.

Regn. No. O.A. 1221/89.

Shri P.N. Aggarwal ... Applicant

Vs.

Union of India ... Respondents.

CORAM:

Hon'ble Mr. Ajay Johri, Member (A)

Hon'ble Mr. T.S. Oberoi, Member (J).

For the applicant: Shri Vijay Mehta, Advocate.

JUDGMENT (Oral)

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985. The applicant has challenged an order passed on 23.5.1989 by the Estates Officer, Department of Estates, Nirman Bhavan, New Delhi, ordering eviction of the applicant from the premises 10-Z, Chitra Gupta Road, New Delhi, which he is still occupying.

2. The case of the applicant is that he retired as Section Officer from the Planning Commission on 30.6.1988. He is in occupation of quarter No. 10-Z, Chitra Gupta Road, New Delhi, which was allotted to him during his service. He applied for retention of the premises till 31st October, 1988, i.e. for four months after his retirement. The applicant has submitted in this application that during the period, his wife was suffering from major depressive disorder and was undergoing psychiatric treatment at the Lady Harindge Medical College, New Delhi. Since he did not possess a house of his own in Delhi and on account of the ailment of his wife, he made an application on 28.10.1988

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to the Directorate of Estates for permission to retain the premises further. He also paid advance licence fee of four months at double the rate of standard licence fee. The Directorate of Estates acceded to his request and decided to permit him to retain the aforesaid quarter for a further period of four months, i.e. upto 28.2.1989 on payment of double rate of standard licence fee on medical grounds. The applicant received a notice on 29.3.1989 wherein he was called upon to appear before the Estates Officer on 6.4.1989 to show cause why an order of eviction should not be made against him. The applicant's case is that in response to this notice, he sent a detailed reply which is placed at Annexure 5 of this Application. In this detailed reply, he fully explained the compelling facts and circumstances and he also requested that he would not be in a position to attend before the Estates Officer on 6.4.1989. Therefore, some other date may be fixed. He had also made a request in this reply that he may be allowed to retain the accommodation for six more months for which he would pay the required licence fee. However, on 31.5.1989, he received the impugned eviction order by which he was ordered to vacate the premises within 15 days of the date of publication of the order.

3. The applicant has now by this application prayed that the impugned order of 22.5.1989 be declared void and non est, against rules, violative of the Constitution and the principles of natural justice.

4. We have heard the learned counsel for the applicant and also gone through the paper book. We have noted that the applicant has already stayed in the quarter after his retirement for nearly one year out of which the Estates Officer had given him permission to retain the quarter for eight months only. We are also not able to

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appreciate why, when the second period of extension was ending in February, 1989, the applicant had not taken any action for requesting for further extension of the allotment on whatever grounds he may have to put forth. Instead, when he received the notice, he sent a reply and did not even present himself before the Estates Officer on the appointed date, i.e. 6.4.1989. The applicant having already stayed in the quarter for eight months in an authorised manner and another four months in an unauthorised manner, i.e. for a total period of about one year, his plea for permission to retain the quarter further, since he has no accommodation of his own at Delhi, does not help him because, in our opinion, one year's time was more than enough for him to look for an alternative accommodation. Government accommodation, which is meant for Government employees, cannot be retained indefinitely after retirement. As a matter of fact, perhaps the satisfaction in regard to allotment of houses does not exceed 40 per cent in the case of Government employees and if officers, after retirement, are allowed to continue in occupation of the Government accommodation indefinitely, it hurts those who are waiting for their legitimate right of getting Government accommodation.

5. It follows, therefore, that this application, which is seeking setting aside of the eviction order dated 23.5.1989, has no merit for being admitted and we accordingly dismiss the application at admission stage.

Aben
(T.S. Oberoi)
Member (J)

Ajay Johri
(Ajay Johri)
Member (A)

13.6.1989.