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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. O.A. 2169/89.

DATE OF DECISION: 2.12.1991

Sukhdev Parshad

.... Applicant.

Versus

U.O.I. & Ors.

.... Respondents.

CCRAM: THE HON'BLE MR. D.K. AGGARWAL, MEMBER(J).

For the Applicant.

... Mrs Sarla Chandra,
Counsel.

For the Respondents.

... Shri N.S. Mehta,
Sr. Standing
Counsel.

(Judgement by Hon'ble Mr. D.K. Aggarwal)

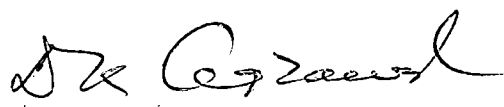
This claim petition has been filed by the above named applicant, who is at present posted as Key Board Operator in the Government of India Press, Minto Road, New Delhi. The applicant was originally appointed in the post of Compositor on 4.5.1970 in the Government of India Press, Minto Road, New Delhi. He was transferred as Lino Operator on 6.9.1972 to Government of India Press, Ring Road, New Delhi.

The dispute relates to Qr. No. 41, Ahilya Bai Road, New Delhi. The background is that the quarter, in question, was in occupation of the applicant's father. The applicant is in occupation of the same since the date of his appointment i.e. 4.5.1970. There was a dispute about the rate of rent to the effect whether the applicant is liable to pay normal licence fee or at the market rate. This question was decided by an order dated 21.12.1974 contained in Annexure-II at page 19 of the record, whereby the applicant was allowed to retain the quarter in question on payment of normal licence fee till he was

Dr. Aggarwal

provided a quarter from Ring Road Press Pool. It appears that the applicant did not press his claim for allotment of a quarter from the Ring Road Press Pool. However, a contrary order to the prejudice of the applicant was passed on 11.9.1979 as contained in Annexure IV to the claim petition, whereby the applicant was required to pay the market rent of the quarter in question for the period from 28.12.75 to 23.3.79. There is no reference in the order dated 11.9.79 about the order dated 21.12.1974. The learned counsel for the applicant suggested that the competent authority may be directed to pass a speaking order as to why the terms of the order dated 21.12.1974 have been varied to the disadvantage of the applicant and the applicant may be given liberty to file a fresh petition before the Tribunal, if so advised. In my opinion, the offer made by the learned counsel for the applicant appears to be just and proper.

The other point which requires consideration is about the allotment of an accommodation to the applicant, which he is entitled to, according to the post he is holding. It was urged on behalf of the applicant that the applicant was entitled to Type-III quarter. The learned counsel for the opposite parties did not dispute about it. The learned counsel for the applicant further contended that the applicant would be satisfied even if a Type-II quarter is allotted to him. A suggestion was also made that Quarter No. 35, a Type-II quarter, adjacent to Quarter No. 41, Ahilya Bai Road (Type-I quarter) is available and that a direction be made to opposite parties to allot him the same. In case, the quarter No. 35, as suggested, is vacant and there is no pressure on the competent authority otherwise, a direction can be made for its allotment to the applicant.



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In the result the Application is partly allowed. The opposite parties are directed to consider sympathetically and as far as possible allot Quarter No. 35 (Type-II) at Ahilya Bai Road, Delhi to the applicant. The opposite parties are further directed to pass a speaking order as to why penal rent contra to the terms of the order dated 21.12.1974 is to be charged from the applicant, within a period of three months of the communication of this order. The applicant shall be at liberty to ^{agitate} ~~adjudicate~~ the matter before the Tribunal, if so advised, if still aggrieved by the order so passed by the competent authority.

The Application is accordingly dismissed with no order as to costs.

D.K. Agarwal
(D.K. AGARWAL) 2.12.74
MEMBER(J)

'SRD'