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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

O.A. 217/89.

DATE OF DECISION: January 19, 1990.

Shri A.S. Gupta Applicant.

Shri B.B. Srivastava Advocate for the Applicant.

V/s.

Union of India & Others Respondents.

Mrs. Raj Kumari Chopra Advocate for the Respondents.

COURT: Hon'ble Mr. P.C. Jain, Member (A).

1. Whether Reporters of local papers may be allowed yes to see the judgement?
2. To be referred to the Reporter or not? yes
3. Whether his lordship wishes to see the fair copy No. of the judgement?
4. To be circulated to all Benches of the Tribunal? No.

JUDGEMENT

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant, who is employed as Senior Personal Assistant, Directorate of Naval Architecture, Naval Headquarters, New Delhi, has prayed that the impugned order dated 12/16.1.1989 issued by respondent No.2 cancelling allotment of Quarter No.H-222, Sarojini Nagar, which was allotted to the applicant, and order dated 1.8.88 of the Department of Personnel & Training addressed to respondent No.2 proposing cancellation of allotment of the above accommodation in the name of the applicant, be quashed and set-aside. He has also prayed that the respondents be directed to allow the applicant to continue to occupy his present quarter No.H-222, Sarojini Nagar till his superannuation as per normal rules.

2. Briefly stated, the relevant facts are that the applicant was allotted quarter No.H-222, Sarojini Nagar, New Delhi, in December, 1982 and has been in possession of the same since then. Respondent No.3 received a complaint from one Shri S.C. Pant, an employee of Air Headquarters and seven others, addressed to the Chief

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Welfare Officer through a member of the Departmental Council and Senior Vice President of the Armed Forces Headquarters Association, against the applicant. Area Welfare Officer was asked by the Department of Personnel & Training to personally investigate the matter. He recommended that it would be in the interest of peace and tranquility in the area that the applicant is shifted from his present accommodation immediately. In the meantime both the applicant and Shri S.C. Pant were asked, vide Department of Personnel & Training letter dated 10th June, 1988 to show cause as to why their residences may not be shifted from this colony to any other colony to maintain peace and harmony in the locality. The applicant, in his reply dated 21.6.1988, stated that there has not been any such serious dispute as may warrant ~~for~~ shifting of residences, and he also requested for a copy of the complaint. He submitted a detailed reply on 10.8.1988. He was informed vide letter dated 23.9.1988 that his request could not be acceded to after careful consideration of his representation. He was allotted another residence No. L-88, Sarojini Nagar in lieu of H-222, Sarojini Nagar, vide letter dated 15/21.11.88. He accepted the allotment on 22.11.1988, but without shifting to that house, surrendered it on 28.11.88 because of the difficulty in getting water and electric meters installed. Vide his letter dated 1.12.1988, he requested that he may be allowed to continue in H-222, Sarojini Nagar. Vide letter dated 12/16.1.1989 (impugned order at Annexure A-1 to the application), the allotment to the applicant of quarter No. H-222, Sarojini Nagar, was deemed to have been cancelled in his name with effect from 22.11.88, i.e., the date of acceptance of quarter No. L-88, Sarojini Nagar, by him. This letter also refers to the Department of Personnel & Training letter dated 1.8.88, which has also been impugned by the applicant in this case, but a copy of the same has

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not been filed by him, probably because a copy of the same was not endorsed to him. This has been filed by the respondents as Annexure A-VI to their reply. By this letter, the Department of Personnel & Training requested the Director, Directorate of Estates, that Shri Gupta may be shifted immediately from Sarojini Nagar before the situation takes an ugly turn.

3. After surrender of quarter No. L-88, Sarojini Nagar by the applicant on 28.11.88, he was offered another quarter No. A-358, Sarojini Nagar, but the applicant did not accept this allotment. In pursuance of this Tribunal's order of 9.2.89 to the effect that interim direction already given on 31st January, 1989 for not evicting the applicant from Qr. No. H-222, Sarojini Nagar, New Delhi, shall operate till alternative accommodation of the same type is allotted to the applicant in the same locality, the applicant was offered Qr. No. G-530, Sarojini Nagar, in lieu of Quarter No. H-222. This was occupied by the applicant on 1.3.89.

4. I have perused the record of this case and have also heard the learned counsel for the applicant. The learned counsel for the respondents did not advance any oral arguments.

5. This application is against deemed cancellation of allotment of Qr. No. H-222, Sarojini Nagar in the name of the applicant with effect from 22.11.88 and to the effect that he may be allowed to continue to occupy this quarter till his superannuation. Both these prayers have become infructuous inasmuch as he has already vacated the Qr. No. H-222 and has occupied another quarter No. G-530, Sarojini Nagar on 1.3.89.

6. The applicant also filed a Misc. Petition No. 2636/89 on 21.11.89 in connection with order dated 8.11.89 issued by the Directorate of Estates asking for payment of a sum of Rs. 11,074/- in respect of Qr. No. H-222, Sarojini Nagar,

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New Delhi as damages for the period from 22.11.88 to 31.10.89. In this M.P., the applicant has stated that he has already paid licence fee for this quarter upto the date of his vacation, i.e., 7.3.89 and he has been regularly paying licence fee in respect of Qr. No. G-530, Sarojini Nagar since 1.3.89. Order dated 8.11.89 is obviously incorrect as the question of recovery of any licence fee or damages upto 31.10.89 does not arise since the quarter had already been vacated by the applicant on 7.3.89. Moreover, the allotment of Qr. No. L-88, Sarojini Nagar on 21.11.88 and which was accepted by the applicant on 22.11.88 did not materialise inasmuch as the applicant surrendered the same without occupying it within the permissible period of eight days. In view of this, the continued occupation of Qr. No. H-222, Sarojini Nagar, New Delhi by the applicant could not be deemed to have been unauthorised. In view of the above discussion, order dated 8.11.89 issued by the Directorate of Estates asking the applicant to pay damages of Rs.11,074 in respect of Qr. No. H-222, Sarojini Nagar, New Delhi for the period from 22.11.88 to 31.10.89 is quashed and set aside.

7. The prayers in the O.A. having become infructuous do not call for any direction. The application is disposed of accordingly. Parties to bear their own costs.

Chauhan 19/11/90
(P.C. JAIN)
MEMBER (A)