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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.
.....

O.A.NO.1167/90

DATE OF DECISION: 5th Feb. 92

SH. R.P. RAMESH & ANOTHER

....

APPLICANTS

VERSUS

UNION OF INDIA & OTHERS

....

RESPONDENTS

CORAM:-

THE HON'BLE MR. T.S. OBEROI, MEMBER(J)

COUNSEL FOR THE APPLICANTS : SH. M.K. GUPTA

COUNSEL FOR THE RESPONDENTS : SH. K.C. MITTAL

J U D G E M E N T

In this O.A., filed under Section 19 of the Administrative Tribunals Act, 1985, (hereafter the Act), the applicant seek the following reliefs:-

- (i) to declare that the applicant No.2 is entitled to regularise the accommodation i.e. F-, Press Road, New Delhi;
- (ii) to direct the respondents to regularise the accommodation i.e. F-9, Press Road, in favour of the Applicant No.2 w.e.f. 1.7.1988, which is the date of retirement of Applicant No.1 with all consequential benefits;
- (iii) to direct the respondents to refund the excess money received by them being the difference between the normal licence fee and the actual licence fee charged by the Respondent No.2 on the market rate, alongwith interest;
- (iv) to quash the notice dt. 23.5.90 issued

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by the Respondent No.2 with all its consequentials,
the same being illegal, unjust, violative of
the O.M. and arbitrary and discriminatory;

(v) to award the costs of this application;

(vi) to pass any other order or orders which
this Hon'ble Tribunal may deem just and equitable
in the facts and circumstances of the case.

2. The facts of the case briefly are that the applicant No.1 who is father of applicant No.2 retired from service on 30.6.1987, on attaining the age of superannuation. He was in occupation of government accommodation at F-9, Press Road, New Delhi. Applicant No.2 is also in government service since 12.6.1984, and has since completed his probation period and eventually made permanent in the post of Copy-Holder, under the Ministry of Defence (Respondent No.4). He applied for regularisation of the accommodation, erstwhile allotted to his father and still in their occupation, though penhal rate of rent is being charged. The request of Applicant No.2 for regularisation of the accommodation could not be granted precisely on the ground that both the applicants are not working in the same department, and the accommodation earlier allotted to Applicant No.1 was from the pool of the Government of India Press, whereas Applicant No.2, if at all, ~~is~~ entitled to any accommodation on ad hoc basis, because of his father being in service and allotted a government accommodation,

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should seek the same from the Chief Administrative Officer, Ministry of Defence, rather than seeking regularisation of the same accommodation, belonging to a different Pool.

3. The applicant has cited some earlier cases, in which such requests had been met and therefore claims parity of treatment, and in any case, the Ministry of Defence having been made a party in the case (Respondent No.4), but no definite stand having been taken by them, by not filing any separate counter, the applicant prays for the regularisation of the same accommodation in his name, or in the alternative, allotment of any other accommodation, even on ad hoc basis, according to rules, to ameliorate the hardship of the family, to which they would be exposed, in the event of the same being not granted, as they do not have any other house of their own in Delhi.

4. We have heard the learned counsel for the parties and have also given our careful consideration to the rival contentions, together with the material placed by them on record.

5. The learned counsel for the applicants while referring to judgement dt. 20.4.91, passed by learned Additional District Judge Delhi, on an appeal under Section 9 of the Public Premises, (Eviction of Unauthorised Occupants) Act, had partly granted relief No.(i), as claimed by the applicants in this O.A., and also fully granted the relief No.(iv), and thus, prayed for the

remaining reliefs, particularly those at Sr.No.(ii) and (iii) of para 8 of the O.A. After carefully considering the same and also the facts and circumstances of the case, we direct Respondent No.4, under whom Applicant No.2 is employed to allot a suitable accommodation, on ad hoc basis, or otherwise, as per rules, according to his entitlement, as early as possible, but not later than two months from the receipt of a copy of this order. Till such allotment, applicants shall be allowed to remain in occupation of the accommodation, presently with them, on payment of the normal rate of charges, by Applicant No.1. The excess recovery of charges shall also be refunded to Applicant No.1, after adjusting the rental charges in accordance with this order and also other charges on account of electricity, water etc.

6. O.A. decided on the above lines with no order as to costs.

T.S. Oberoi
5-2-92
(T.S. OBEROI)
MEMBER(J)

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