

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

D.A. 1685/90

Date of decision: 10.5.1993

V.D. Bhatt & Anr.

... Petitioners.

Versus

Union of India & Ors.

... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN.
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the Petitioners.

... Petitioner present
in person.

For the Respondents.

... None.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice S.K. Dhaon,
Vice Chairman(J))

On 12.10.90, 3.12.90, 22.1.91, 13.3.91 and 23.5.91, the respondents were granted time to file counter affidavit, but the that same was not done. On 2.7.91, this Tribunal noted/no counter affidavit has been filed and no one has cared to appear before the Tribunal and, therefore, directed to list the matter on 15.7.91. On 15.7.91, no one appeared on behalf of the respondents. This Tribunal passed an order that despite adequate time being granted again and again and no counter affidavit having been filed, the respondents have forfeited their right to file counter affidavit and this case should be listed for final hearing on the basis of the available records. The matter has been listed before us today. No one has appeared on behalf of the respondents. No counter affidavit has been filed. Hence, we have to examine the case on the basis of the available records.

2. The material averments are these. Petitioner No. 1 retired as a PGT (Sanskrit) teacher in Govt. Boys Senior Higher Secondary School, New Delhi, on 31.7.89. Petitioner No.2, the son of

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Petitioner No. 1, has been working as Lower Division Clerk in the Cabinet Secretariat, New Delhi. He was appointed to that post on 12.6.1987. He has not been drawing any House Rent Allowance as he has been living with Petitioner No.1 in the Government accommodation No. I-407, Sarojini Nagar, New Delhi (the accommodation in question) which had been allotted to Petitioner No.1. Petitioner No. 2 submitted an application dated 7.8.1989 to Respondent No. 2 for regularisation of the occupation of the accommodation, in question, by petitioner No.2. The application was duly received. However, by an order dated 17.11.1989 the allotment of the accommodation has been cancelled. Petitioner No.1 made a representation. Petitioner No. 2 also made representations. But by an order dated 03.7.1990, petitioner No. 2 was informed that it was not possible to accede to their request. The petitioners were threatened with dispossession and, they, therefore, came to this Tribunal and this Tribunal passed an interim order restraining the respondents from evicting them.

3. Petitioner No. 1, who appears in person, has admitted before us that petitioner No. 2 is not entitled to be allotted the accommodation which is under occupation of petitioner No. 1. However, the respondents shall consider the case of Petitioner No. 2 on merits ^{and} in accordance with law keeping in view the past history of the case and pass appropriate orders for the allotment of the accommodation which petitioner No. 2 is entitled to. The orders shall be passed within a period of one month from the date of presentation of a certified copy of this order by either of the petitioners to the relevant competent authority.

4. With these directions, this application is disposed of. The interim order dated 24.8.1990 is vacated.

Arif Ali
(S.R. ADIGE)

MEMBER(A)

Sury
(S.K. DHAON)
VICE CHAIRMAN (J)

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