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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 1905/90

Date of decision: 10.02.1992.

Shri Raj Singh

...Applicant

Vs.

Union of India through
Secretary, Min. of Urban
Development & Another

...Respondents

For the Applicant

...Shri B. Krishan,
Counsel

For the Respondents

...None

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The point at issue relates to the regularisation of the accommodation at Sector No.V/1107, R.K. Puram in the name of the applicant from the date of cancellation of the same in the name of his father, Shri Khem Chand from 31.8.1989. Despite several opportunities given to the respondents to file their counter-affidavit, they did not do so. When the case was finally heard on 8.11.1991, none appeared on their behalf.

2. We have carefully gone through the records of the case and have heard the learned counsel of both parties. The applicant is relying upon the provisions of OM dated 1.5.1981

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which provides, inter alia, as follows:-

" In exercise of the powers conferred under SR 317-B-25 of the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, the Central Government have decided that when a Government servant, who is an allottee of General Pool accommodation, retires from service, his/her son, unmarried daughter or wife or husband, as the case may be, may be allotted accommodation from the General Pool on ad hoc basis, provided the said relation is a Govt. servant eligible for allotment of accommodation in General Pool and had been continuously residing with the retiring Government Servant for at least three years immediately preceding the date of his/her retirement".

3. The applicant fulfils the conditions prescribed in the aforesaid OM. He is in employment with the Central Government since 4th May, 1982 in the Central Public Works Department and presently posted as Beldar in the Public Works Department(Delhi Administration) Division No.VII, New Delhi. The said services of the applicant were taken on work charged staff and later on regularised. He was being residing at Quarter No.1107 Sector V, R.K. Puram, New Delhi which was allotted to his father who retired from Government service w.e.f. 30.4.1989. He has stated that he is prepared to refund the excess amount drawn by way of House Rent Allowance. In view of this, we are of the opinion that he is entitled to get the said accommodation regularised in his name.

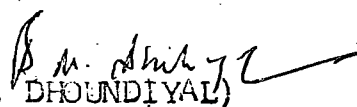
4. In the light of the above, we allow the

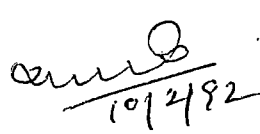
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application and dispose of with the following orders and directions:-

- (i) The applicant is directed to refund to the respondents the excess amount drawn by him by way of House Rent Allowance within a period of three months from the date of communication of this order.
- (ii) Subject to (i) above, the respondents are directed to regularise the allotment of premises bearing No.Sector V/1107, R.K. Puram, New Delhi in the name of the applicant from 31.3.1989, i.e., the date of retirement of his father, Shri Khem Chand.
- (iii) The applicant would not be liable to pay any damages for use and occupation beyond the date of cancellation of allotment in the name of the father of the applicant.

There will be no order as to costs.


(B.N. DHOUNDIYAL)
MEMBER (A)
10.02.1992


(P.K. KARTHA)
VICE CHAIRMAN(J)
10.02.1992.

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