

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW DELHI

(9)

O.A. No. 2669/90  
T.A. No.

199

DATE OF DECISION 10.02.1992.

Shri A.A. Shiromany Petitioner

Shri T.C. Aggarwal Advocate for the Petitioner(s)

Versus

U.O.I. through the Director of Respondent  
Estates and Another

Shri P.P. Khurana Advocate for the Respondent(s)

## 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 Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

JUDGMENT

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

The question for consideration is whether a reemployed Government servant is entitled to retain a Government accommodation provided to him before his retirement.

2. The applicant retired as Joint Director from the Publications Division, Ministry of Information and Broadcasting on 31.1.1989. He was reemployed as Deputy Chief Editor, Collected works of Mahatma Gandhi with effect from 1.2.1989.

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He was occupying Government accommodation Type IV, 435-Laxmibai Nagar, New Delhi, right from 1969. The respondents passed the impugned order dated 15.2.1989 whereby the allotment of the quarter in question was cancelled with effect from 1.6.1989. The applicant has stated that even after reemployment he is entitled to retain the Government accommodation.

3. The respondents have stated in their counter-affidavit that as per the allotment rules, the applicant is not entitled to retain the Govt. accommodation as his basic pay as on 1.10.1989 was not Rs.2800/-.

4. We have gone through the records of the case and have considered the rival contentions. According to SR 317 B 11(4) even an officer who is on reemployment in an eligible office is entitled to retain the Govt. accommodation. Before his retirement, the applicant was receiving pay of Rs.4,450/- in the scale of Rs.3700-5000. He has been reemployed in the scale of Rs.3000-5000. He claims that his pay has been fixed at Rs.2262/- in the said pay scale excluding his pension fixed at Rs.2188/-. The pension put together with the pay fixed on reemployment would work out to Rs.4450/-.

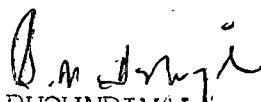
5. In our opinion, the cancellation of the allotment

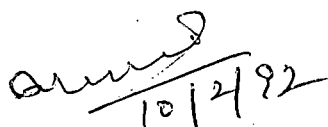
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of the quarter in question is not legally sustainable. The respondents would, however, be at liberty to allot to the applicant accommodation of the entitled category to the applicant.

6. In the light of the above, we dispose of the application with the direction to the respondents to allow the applicant to continue in the Govt. accommodation Type IV, 435-Laxmibai Nagar, New Delhi on his payment of normal licence fee till such time they allot to him alternative accommodation of the entitled type. The interim order passed on 18.12.1990 directing the respondents that the status quo as regards the continuance of the applicant in the said quarter be maintained, is made absolute with the modification that in case the respondents allot to the applicant alternative accommodation of his entitled category, the applicant shall give vacant possession of the aforesaid quarter in his occupation within one month of allotment.

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