

(A)

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

* * *

Date of Decision: 3.4.92

OA 1170/91

UMRAO SINGH & ANR. ... APPLICANT.

Vs.

THE ESTATE OFFICER,
DIRECTORATE OF ESTATES,
MAULANA AZAD ROAD,
NIRMAN BHAWAN,
NEW DELHI.

... RESPONDENT.

CORAM:

THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicant ... Shri D.R. Gupta, Counsel.

For the Respondent ... Shri P.P. Khurana, Counsel.

1. Whether Reporters of local papers may be allowed to see the judgement ?
2. To be referred to the Reporters or not ?

JUDGEMENT

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J).)

The applicant No.1, retired as Watchman under Delhi Administration and till his service he was allotted Quarter No.D-331, Netaji Nagar, New Delhi, which did not vacated on his retirement till 31.1.1990.

2. In this application, the applicant has challenged the order dated 2.3.1990 issued by the Director of Estates

cancelling the allotment of the applicant No.1 and also a notice dated 18.3.1991 issued under Section 4 of the P.P. (EOU) Act, 1971 of Eviction. The applicant has prayed that the aforesaid orders be quashed and the respondents be directed to regularise the quarter in the name of his son, applicant No.2.

3. The facts are that , applicant No.2 is serving as Stenographer in Department of Non-Conventional Energy Sources, Ministry of Energy, and since his appointment he is not charging any HRA and has been sharing accommodation with his retired father. He applied for regularising of the quarter after the retirement of his father on payment licence fee from 1.6.1990 is being charged from the applicant Ajit Singh.

4. The respondents contested the application and filed a short reply and stated that the father of the applicant No.2 was working in a Government not an School, which was/eligible office for allotment of general pool accommodation. As such the accommodation could not be regularised in his name as per the rules. According to the latest orders and Directorate of Estates OM dated 27.12.1991, a copy of which has been filed during the course of the arguments, while no fresh allotment from General Pool is to be allowed to the Teachers of Delhi Administration, certain benefits as admissible to other allottees of General Pool Accommodation like retention after cancellation of allotment/temporary allotment for marriage purposes, ad-hoc allotment/regularisation on retirement, death to their wards in case such ward is employed in an

eligible office have extended to the teachers of Delhi Administration also who are allotted general pool accommodation.

5. In view of the above facts, we find that the respondents have virtually allowed the relief which was claimed by the applicant in the original application. The learned counsel for the applicant has also referred to the decision of OA 881/90 B. Narain Sharma & Anr. Vs. UOI decided by the Principal Bench on 15.5.1991 where similar facts existed and the allotment/regularisation was done in favour of the son.

6. In view of the above facts, the impugned notice dated 18.3.1991 is set aside and the respondents are directed to regularise the quarter No.D-331, Netaji Nagar, in favour of Ajit Singh, Stenographer.

In the circumstances, the parties to bear their own costs.

J. P. Sharma
3-4-92
(J. P. SHARMA)
MEMBER (J)