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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1226/91

DECIDED ON : 19.05.1993

MRS. E. M. TIGGA

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APPLICANT

VS.

UNION OF INDIA & ORS.

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RESPONDENTS

CORAM :

THE HON'BLE MR. B. N. DHOUNDIYAL, MEMBER (A)

Shri D. C. Vohra, Counsel for the Applicant

Shri P. P. Khurana, Counsel for the Respondents

J U D G M E N T S (ORAL)

The applicant is aggrieved by orders dated 13.3.1991 and 15.4.1991 whereby her request for allotment of the accommodation D-341, Moti Bagh, New Delhi, has been rejected on the ground that being a Teacher in the School of Delhi Administration, she is not eligible for the general pool accommodation.

2. The applicant's husband died on 30.10.1990 leaving behind his wife (the applicant herein), two sons and a daughter. The widow was at that time working with the Delhi Administration as Trained Graduate Teacher (TGT) in the Government Girls Senior Secondary School, Moti Bagh, New Delhi. Her husband was working with the National Time Records Bureau, Ministry of Home Affairs. She applied for allotment of the said accommodation in her name and her application was duly forwarded by the Principal, Govt. Girls Sr. Sec. School, Moti Bagh. She has prayed that the aforementioned impugned orders be quashed and

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directions be issued to respondent No. 3 to desist from evicting the applicant from the said government accommodation and allot it to her as an eligible dependent of the deceased government servant.

3. On 27.5.1991, this Tribunal issued an interim order directing the respondents not to dispossess the applicant from the said accommodation. This order has continued since then.

4. Though no counter was filed by the respondents in spite of several opportunities given to them, Shri P. P. Khurana, Counsel, appeared on behalf of the respondents at the time of final hearing. The main contention of the respondents is that the Teachers of Delhi Administration are not eligible for general pool accommodation in terms of Allotment of Government Residences (General Pool in Delhi) Rules, 1963. This being so, the representation of the applicant for allotment of this accommodation was rightly rejected. The learned counsel for the applicant has drawn my attention to a categorical statement made by the Principal, Govt. Girls Sr. Sec. School, Moti Bagh, New Delhi while forwarding the applicant's application in the prescribed form that she is working in the above School which is an eligible office located in eligible zone (Annexure B-1). He has also drawn my attention to the O.M. dated 27.12.1991 issued by the Directorate of Estates which clearly mentions that though the teachers of the Schools of the Delhi Administration were never declared eligible as such, however, since the Directorate of Education,

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Delhi Administration is an eligible office, certain allotments have been made in the past to the teachers and other staff working in Schools as their applications were forwarded by the Directorate of Education, Delhi Administration. Some allotments have also been made on the basis of certificates issued by the Delhi Administration or the Principals of the Schools that the staff concerned was working in an eligible office located in an eligible zone.

5. The O. M. dated 27.12.1991 prohibits allotment from the general pool accommodation to the teachers working with the Delhi Administration. However, as the learned counsel for the applicant has pointed out, this O.M. itself shows that prior to date of its issue such allotments were being made to the teachers of the Delhi Administration. This case relates to the period earlier than the issue of the abovementioned O.M.

6. In view of the aforementioned discussions, I hold that the applicant is entitled to succeed. The impugned orders dated 13.3.1991 and 15.4.1991 are hereby quashed and set aside. The applicant shall be deemed to be an eligible Government servant for the general pool accommodation with effect from 13.3.1991 (Annexure-D), that is, the date on which the allotment was cancelled. Quarter No. D-341, Moti Bagh, New Delhi shall be regularised in her name from that date. No costs.

B. N. Dhoundiyal
(B. N. Dhoundiyal)
Member (A)