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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
PRINCIPAL BENCH,  
NEW DELHI:  
\* \* \*

Date of Decision: May 05, 1992.

DA 1410/91

MAHARAJ SINGH

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

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

For the Applicant

... None.

For the Respondents

... Shri J.C. Madan, proxy  
counsel for 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 (ORAL)

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

This application is pending since June, 1991 and we are approaching in June, 1992. The applicant's father Shri Dhoom Singh died in harness on 31.1.1990, who was allotted quarter No.B-109, Kidwai Nagar, New Delhi in General Pool Accommodation. The son, applicant Maharaj Singh applied for appointment on compassionate grounds and some time in March, 1991 he was given appointment as LDC by the Director, Central Road Research

Institute. He is entitled to the same type of accommodation which <sup>was</sup> allotted to his father.

2. The applicant prayed for regularisation/ allotment of the said accommodation to him alongwith recommendation by the Director, Central Road Research Institute, but the respondent the Directorate of Estates, Nirman Bhawan, New Delhi did not respond to his request and instead a notice has been issued to him on 15.5.91 in exercise of the powers conferred under Section-1 of Section-5 of the PP (EQU) Act, 1971 to vacate the said premises within 15 days. In June, 1991 the applicant filed the original application with the prayer that the respondents be directed to regularise the Qr.No.B-109, Kidwai Nagar, New Delhi in the name of the applicant consequent upon his appointment on the compassionate grounds after the expiry of the applicant's father Shri Dhoom Singh.

3. Notices were issued to the respondents on 7.6.1991 and an interim direction was issued to the respondents not to dispossess the applicant from Quarter No.B-109, Kidwai Nagar, New Delhi. The matter was taken up on 13.6.91 and was admitted and the interim direction issued on 7.6.91 was made absolute. On 29.7.91, the learned counsel for the respondent appeared and prayed for time to file counter. The matter remain listed before the DR but the counter has not yet been filed

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by the respondents. By the order dated 24.12.91, a sum of Rs.100/- cost on the respondents and allowed two weeks' time to file counter but the cost were not paid nor the counter has been filed inspite of several adjournments in between, the matter came finally today.

4. Shri J.C. Madan, proxy counsel for the respondents appeared and again requested for some time. I do not think that there is any need for consideration for grant of any time.

5. The learned counsel for the applicant is also not present, so the matter has been taken up on the basis of the pleadings on record. There is a OM No.12035(14)/82-Pol.II(Vol.II)(D), issued by Directorate of Estates dated 9.11.1987 on the subject of concession of ad-hoc allotment to dependents of deceased officials and in this OM concession of ad-hoc allotment is also available to temporary employees of ESIR. Thus, the case of the applicant is fully covered by the aforesaid OM and nothing survives for contest by the respondents because the applicant has already been given compassionate appointment and according to administrative instructions the occupied premises in his possession have to regularised in his name provided his entitlement to the same type as per the aforesaid OM.

6. In view of the above facts and circumstances, the application is disposed of with the direction to

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the respondents to allot/regularise the eligible type of accommodation in favour of the applicant and charge only licence fee from the applicant as per extant Rules. If the applicant is not entitled to already occupied accommodation, being of higher type, ~~and that~~ <sup>than</sup> to which the applicant is eligible, <sup>than</sup> the respondents to allot him the eligible type of accommodation and till such time the applicant shall not be evicted from that occupied accommodation provided he continues to pay licence fee as per extant Rules.

7. In the circumstances, the parties to bear their own costs and the respondents are directed to comply with the above directions within a period of three months from the date of receipt of a copy of this order, if not already complied with.

Jomane.  
( J.P. SHARMA ) 5/5/97  
MEMBER (J)