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

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Date of Decision: 3.4.92

OA 1713/91

IFTEKHAR AHMED & ANR.

... APPLICANTS.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

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

For the Applicants

... Shri D.P. Avasthi,
Counsel.

For the Respondents

... 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 is working since 2.11.1987 as Junior Hindi Translator in the office of the Chief Controller Import & Export, Ministry of Commerce, New Delhi and is the son of applicant No.2 Shri Ehtesham Uddin, who retired on 31.1.1991 as PGT English Teacher from the Govt. Boys Senior Secondary School, Malviya Nagar, New Delhi under the Delhi Administration. The applicant No.2 was allotted Quarter No.C-170, Minto Road

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Complex, New Delhi. The Assistant Director of Estates, by the memo dated 9/13.3.1991 addressed to the Principal of the said School, that the allotment of Quarter No. C-170, Minto Road Complex, in the name of applicant No.2, has been cancelled. It was further directed that under SR 317 B22 appealing No.2 is liable to pay market rate of rent. The applicant has also been served with notice dated 12.7.1991 under sub-section-1 clause-B of sub-section-2 of Section (4) of the Public Premises (Eviction) of Unauthorised Occupants Act, 1971.

2. In this application, the applicants have prayed that the aforesaid memos dated 9/13.3.1991 and 12.7.1991 be set aside and a direction be issued to the respondents to allot/regularise the government accommodation in the name of the applicant No.2 with a further direction to respondent No.1 to charge the normal licence fee as applicable in the case of allottee.

3. The facts of the case are, after retirement of the applicant No.2 on 31.1.1991 the applicant No.1, a Central Govt. employee, moved an application for regularisation of Quarter No.C-170, Minto Road Complex, allotted to his father in his name (Annexure 'A'). In this application, the applicant has clearly stated that he has not drawn any HRA since the date of his appointment i.e. 2.11.1987 and prayed that quarter

of the retired father is

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be allotted in his name on adhoc basis. Respondents did not allotted quarter, hence the present application.

4. Notices were issued to the respondents but no reply has been filed to the application though Shri J.S. Madan, proxy counsel for Shri P.P. Khurana, appeared on behalf of the respondents. Since filing of this application. On 27.12.1991, Directorate of Estates issued OM No.11013(D)/4/89-Pol.IV regarding allotment of general pool accommodation to Teachers/other staff working in the school of Delhi Administration. It is stated in para-4 that adhoc allotment/regularisation on retirement will not be admissible to the ward of such allottees in case the ward is employed as a teacher or in the staff of a school under Delhi Administration. Since the applicant No.1 is entitled to allotment of general pool accommodation being a Central Government employee so he is not excluded for the said OM for out of turn allotment on the basis of the OM dated 9.11.1987 (Annexure 'D') which provides adhoc allotment/regularisation of general pool accommodation to eligible dependent/relative of the government employee on their retirement.

5. The learned counsel for the respondents ^{Conceded} ~~stated~~ this aspect which has been now laid down in the aforesaid OM.

6. The learned counsel for the applicant also relied on the decision of the Principal Bench, CAT in

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OA 831/90 decided on 15.5.1991 B. Narain Sharma & Anr. Vs. Union of India & Ors. In this case applicant No.1 and 2 are father and son and both were employed as Teacher under Delhi Administration. The respondents did not regularise the accommodation in the favour of the son after the retirement of the father. By the aforesaid judgement the respondents were directed to regularise the allotment in favour of the son. The facts of the case, however, do not apply to the present case. But the matter as has been discussed in OM of December, 1991, the applicant No.1 is entitled to regularisation of the said quarter in his name.

7. In view of the above discussion, the application is allowed and the respondents are directed to regularise the allotment in favour of Iftexhar Ahmed of Quarter No.C-170, Minto Road Complex, New Delhi w.e.f. 1.2.1991 and are further directed to only realise and charge the licence fee as is payable by a licensee. The respondents are directed to comply with the directions preferably within six weeks. Parties are left to bear their own costs.

J. P. Sharma
(J.P. SHARMA) 3.4.92
MEMBER (J)