

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(7)

NEW DELHI

O.A. No. 1963 of
T.A. No.

1991

DATE OF DECISION 18.XII.91Jai Ram Yadav

Petitioner

Shri B. Krishnan

Advocate for the Petitioner(s)

Versus

U.O.I. & Ors.

Respondent

None for Respondent No.1

Advocate for the Respondent(s)

Shri Jog Singh for Respondent Nos. 2 & 3.

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The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J).

The Hon'ble Mr. I.K. Rasgotra, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(Judgment of the Bench delivered by Hon'ble Shri
Ram Pal Singh, Vice-Chairman (J).)

J U D G M E N T

The applicant filed this O.A. under Section 19 of the Administrative Tribunals Act of 1985 praying therein for the reliefs of direction to Respondent No.1, i.e., Delhi Administration, to allot him a suitable accommodation. He has also prayed for a direction to Respondent Nos. 2 and 3 to allow the applicant to retain the present premises of his residence No. 5, Service Centre, Netaji Nagar, New Delhi, till the applicant is allotted an alternative accommodation by Respondent No. 1 on payment of normal rate of licence fee.

2. Respondent No. 1 ^{on} notice did not appear though served and have also not filed his return. Respondent Nos. 2 and 3 have appeared through Shri Jog Singh and filed their returns. They have opposed the prayer on the ground that the applicant was

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allotted the present accommodation from the General Pool by Respondent Nos. 2 and 3, but since he has gone on deputation to Respondent No.1, i.e., Delhi Administration, in such a situation, he will have to evict ^{from} the accommodation allotted to him. They also contended that it is for the applicant to obtain residential accommodation from the pool of the Delhi Administration. They also maintain that the applicant is not entitled to retain the possession of the present accommodation in which he is residing which has been allotted to him from the General Pool.

3. The applicant is a Junior Engineer who was working with Respondent No. 2 in the C.P.W.D., 'E' Wing, and thus was allotted this residential quarter having been posted as Junior Engineer in 'G' Division, C.P.W.D., New Delhi. We need not enumerate the history of the transfers of the applicant, but directly come to the admitted position that he is working at present under Delhi Administration, Respondent No.1. A Bench of this Tribunal by an interim order passed on 27.8.91 had directed the respondents to maintain the status quo and the same interim order still continues. The applicant was threatened with eviction and also with the imposition of the penal rent, but this appears to be unjust. Unless Respondent No. 1 allots the applicant a residential quarter from their Pool, the applicant cannot be thrown on the road for no fault on his part. It was for Respondent No. 1 (Delhi Administration) to have taken steps for providing residential accommodation to the applicant from their Pool when they accepted him from C.P.W.D. Respondent No. 1 appears to have sat over the matter and it has ignored the notice of this Tribunal.

4. We, therefore, allow this O.A. and direct Respondent No. 1 to allot suitable accommodation to the applicant within a period of three months from the date of receipt of a copy of this order. We further direct Respondent Nos. 2 and 3 not to evict the applicant from the present residential quarter till he is allotted a

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suitable accommodation by Respondent No. 1 from their pool. We further direct Respondent Nos. 2 and 3 not to charge penal rent from the applicant, but accept only the licence fee as due according to rules. With these directions this O.A. is finally disposed of, but the parties shall bear their own costs.

L. K. Rasgotra
(L.K. RASGOTRA)
18/12/71
MEMBER (A)

Ram Pal Singh
(RAM PAL SINGH)
18.12.71
VICE-CHAIRMAN (J)