

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

OA 257/9

15.09.1992

Shri Brijesh Kumar & Anr.Applicants

VS.

Union of India & Ors.Respondents

CORAM :

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant Sh. L.R. Attrey, Counsel

For the Respondents Sh. J.C. Madan with
Sh. P.P. Khurana, Counsel

1. Whether Reporters of local papers may be allowed to see the Judgement?

2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

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

Shri Brijesh Kumar, applicant No.1 is the son of applicant No.2, who retired on 31.1.1990 as Vice-Principal from the Directorate of Education, Delhi Administration, Delhi. Applicant No.1 was employed as L.D.C. since January, 1990 in the Ministry of Defence and now stands promoted to U.D.C. Applicant No.1 is also entitled to general pool accommodation, but according to the category and eligibility to type below accommodation. The retiree father by virtue of his office was occupying a Type-III accommodation. The services of the father were governed by Delhi Administration while the services of applicant No.1 are governed by Central Government, Ministry of Defence. On retirement of the father,

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applicant No.1 applied for allotment/regularisation of the accommodation, which was in occupation of his father. The applicant was living with his father, applicant No.2 since his appointment in the Central Government as LDC. He has not been drawing any HRA, which is normally admissible to those, who do not get any accommodation from the Central Government.

The case of the applicant is that he should be regularised/allotted the eligible type of quarter. He has prayed that the order dt. 11.1.1991 be quashed and direction be issued to respondent No.2 to allot the accommodation to applicant No.1.

Notices were issued to the respondents after the filing of the application in January, 1991. The application was admitted by the order dt. 29.1.1991 and an interim direction was issued to the respondents not to dispossess the applicant from Quarter No.B 6/682 Lodhi Colony subject to the liability to pay licence fee, etc. That interim order continues till today. However, during the course of the arguments, the learned counsel for the applicant stated that the said premises have since been vacated on 28.2.1991, i.e., after the passing of the interim order.

The matter has been adjourned since January, 1991 at least for five to six times, asking the respondents to file the reply, but the reply has not come. Today also, the learned counsel for the respondents prayed for further time.

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but in the circumstances of the case, there is no merit in the request because the matter stands admitted and the applicants have also vacated the premises allotted in favour of applicant No.2 instead of the interim order in their favour. There is urgency for the disposal of the application on this point also. The grant of further time, therefore, shall not be in the interest of justice.

I have heard the learned counsel for both the parties. In fact, applicant No.2 was an employee of Delhi Administration and applicant No.1 is the employee of Central Government. The relevant circular has been issued by the Directorate of Estates that in the case of an employee of Delhi Administration serving as a teacher, if the ward is employed under Central Government and is entitled to general pool accommodation, then the said quarter will be regularised in favour of such ward of the retiree provided other conditions are fulfilled also as an eligibility of the type of the quarter is meted out. In the present case, all the conditions are fulfilled because of the eligibility of the type of quarter. That now has no force as the said Type-III quarter has since been vacated by the applicants themselves. I find that there is no hurdle for the respondents to allot the eligible type of accommodation to the applicants on out of turn basis. The impugned order (Annexure AIV) rejecting the

claim of the applicant No.1, Brijesh Kumar on the ground that his father was working in the school of Delhi Administration and as such ward of retiree is not eligible for allotment of general pool accommodation. I find that there is nothing on record to show that the applicant is not entitled for such a allotment.

In view of the above facts and circumstances, the application is disposed of in the manner that the respondents shall allot eligible type of accommodation on out of turn basis on the first priority to applicant No.1, Brijesh Kumar within a period of three months from the date of receipt of a copy of this order. In the circumstances, the parties shall bear their own costs. A copy of the order be sent through the counsel.

J. P. Sharma

15-9-92
(J.P. SHARMA)
MEMBER (J)
15.09.1992