

15

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

OA No.55/91 (MP No.54/90) Date of decision: 16-4-1993.

Shri Dinesh Singh & Another .. Applicants

Vs.

Union of India & others .. Respondents

CORAM

Hon'ble Mr. C.J. Roy, Member (Judicial)

For the applicant .. Mr.D.P.Avinashi, Counsel

For the Respondents .. Mr. 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

This is an application filed by the applicants under Section 19 of Administrative Tribunal Act of 13/85 claiming relief to quash and set aside the order of the Respondent No.2 dated 23.10.90, direct the respondents to regularise/ allot the accommodation No.B-406, Sarojini Nagar, New Delhi in the name of the applicant No.1 or allot any other accommodation according to law and to pass such orders as this Tribunal may deem fit.

2. The applicant No.2 retired from the Delhi Administration on 30.4.90 as Craft Instructor and the applicant No.1 is living with his father since his birth. The applicant No.1 is appointed as Draughtsman in CPWD w.e.f. 15.3.89 before the retirement of his father and since then he is residing in the same quarter allotted to his father and he is not drawing any HRA. The quarter No.B-406, Sarojini in which Nagar, the applicant is living, is still in physical possession of the applicant. He also made a representation

on 4.5.90 through proper channel completing all requirements for allotment of the quarter and for the reliefs cited above. On 10.7.90, his request was rejected by Annexure 'C' and hence this application.

3. I have heard the learned counsel for the applicant Mr. D.P.Avinashi and the learned counsel for the respondents Mr. P.P.Khurana and perused the records. I have also gone through OAs No. 831/90 dated 15.5.91, 1893/91 dated 3.4.92 and 1170/91 dated 3.4.92 and also the OM No.11013(D)/4/89-Pol.IV dated 27.12.91 from the Directorate of Estates. In this OM, it is mentioned as follows:

"It has also been decided that any consequential benefit which may accrue to an allottee under allotment rules on account of his being in occupation of general pool accommodation will also be admissible to teachers and other staff of schools of Delhi Admn., e.g. they will be allowed retention after cancellation of allotment admissible under SK 317-B-22 temporary allotment for marriage purposes, ad hoc allotment/regularisation on retirement/death ground to their wards in case such ward is employed in an eligible office. It is however, clarified that the benefit of ad hoc allotment/regularisation on retirement/death ground 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"

4. I have seen the Annexure 'C' dated 10.7.1990, which does not bear any reason. I find that this order can not be said to be that of a speaking order.

M

5. When confronted with this, both the parties agreed that the application may be disposed of with a direction. In view of the judgement in the OAs cited above and also the parties are willing for the disposal of this case with a direction, it dispose of the application with the following direction.

6. The respondents are directed to consider the case of the applicant and pass a speaking order within a month from the date of the communication of this order. Untill one month after the disposal of the representation by the respondents, interim order passed earlier is directed to be continued if the disposal results adverse to the applicant. With this direction, I dismiss the application with no orders as to costs.

*C. J. Roy*  
(C.J. Roy)  
Member (J)  
16/4/93