

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2871/2004

New Delhi, this the 8th day of July, 2005

Hon'ble Shri Shanker Raju, Member (J)

Bhagat Singh
R/o Quarter No.24
Bhavishya Nidhi Enclave
New Delhi.

..Applicant

(By Advocate Shri M.K. Bhãrdwaj)

V E R S U S

Union of India : through

1. The Secretary
Ministry of Labour
Shram Bhawan
New Delhi.
2. The Central Provident Fund Commissioner
EPFO, Bhavishya Nidhi Bhawan
Bhikaji Cam Place, New Delhi.
3. The Regional Provident Fund Commissioner
EPFO, Bhavishya Nidhi Bhawan
Bhikaji Cama Place, New Delhi.

...Respondents

(By Advocate Shri V.S.R. Krishna)

O R D E R (O R A L)

Heard the learned counsel.

2. Applicant impugns the respondents' order dated 29.11.2004 cancelling Govt. accommodation Quarter No.24 Type III, Bhavishya Nidhi Enclave, New Delhi.

3. Briefly stated, the applicant who was residing in Type-II quarter was given possession of Quarter No.24 Type-III on 11.9.2004. The aforesaid allotment was cancelled on 11.10.2004. He has filed OA 2670/2004 which was disposed of on 4.11.2004 directing the respondents to consider the representation of the applicant and till then, he should not be dispossessed from Govt. accommodation.

4. On careful consideration of rival contentions, it is undisputed that whereas one Shri Nandan Ram, Assistant was also in possession of type-II quarter was higher in the priority list of change of allotment than the applicant.

5. While Shri Nandan Ram was allowed to shift from Quarter No.91 to 93 during March, 2004. Verbally, it has been agreed to that he will not claim type-III accommodation despite priority position in the list. Though Shri Nandan Ram was made eligible for allotment of type-III quarter, but his request was not considered as per verbal agreement and in turn quarter was allotted to the applicant. However, this has been resisted to by Shri Nandan Ram on the ground that despite his higher priority position, no written refusal of Shri Nandan Ram was taken on record. It is also one of the objection that before allotment of quarter No.24 to the applicant, the option was not accorded to Shri Nandan Ram.

6. On record, an application has been filed from Shri Nandan Ram on 26.4.2005 to allot him vacant accommodation either on ground floor or on first floor.

7. In the above view of the matter, as no option for allotment has been accorded to Shri Nandan Ram, whose name stands in the priority list above the applicant, allotment of accommodation to applicant and its cancellation does not suffer from any infirmity.

8. However, keeping in light the fact that after possession of the Accommodation, the applicant has made certain additions and alterations and in the interest of equity and balancing the situation, this OA is disposed of with the directions that in the event, an accommodation sought for by Shri Nandan Ram in his application dated 26.4.2005, is vacant, his claim be considered along with an option to him for allotment of quarter No.24 type-III and if, Shri Nandan Ram opts for another accommodation, the same may be allotted to him and in that event, quarter No.24 type-III shall be allotted to the applicant. *NO Costs.*

S. Raju
(Shanker Raju)
Member (J)

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