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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI.

O.A.NO.1287/92.

Date of decision: 18.5.1993

S.P. Saraswat

Petitioner.

Versus

Union of India & Ors.

Respondents.

For the Petitioner.

Shri S.S. Tewari,  
Counsel.

For the Respondents.

Shri P.S. Mahendru,  
Counsel.

JUDGEMENT (ORAL)

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

The case of the petitioner is that he was allotted quarter No. 260/1, Shakurbasti by order of the respondents dated 17.4.1990. He was asked to take possession of the said quarter within a week failing which the same would be allotted to the next person on waiting list. When the petitioner went to take the possession of that quarter, he found that the same was already occupied by one Shri Hira Lal, Diesel Fitter, as it was allotted to him by order dated 24.10.1985. Accordingly, he advised the competent authority that he may be allotted another quarter in lieu of quarter No. 260/1, Shakurbasti allotted to him by order dated 19.4.1990. The quarter No. 260/1 was in any case not available for occupation of the petitioner as it was a subject matter of litigation in O.A. 2536/90 between Hari Lal Vs. Union of India and anr. in which judgement was rendered on 16.5.1991. The operative part of the judgement reads as under:

*dr*

"The respondents have filed their reply and in paragraph 4.VIII, it has been stated that the said quarter i.e. Quarter No.260/1, Railway Colony, Shakur Basti, Delhi has now been regularised in favour of the applicant by them".

2. In view of the above submissions of the respondents, the O.A. was disposed of as the petitioner therein Shri Hari Lal had been granted relief prayed for by him. It is obvious from the judgement that quarter No. 260/1, Shakur Basti, was not available for allotment to the petitioner herein Shri S.P. Saraswat, as the said quarter was under the possession of Shri Hari Lal and was regularised in his favour as per their reply filed in O.A. No. 2536/90.

3. According to the respondents, the petitioner has no claim as he had also filed O.A. No. 1065/89, which was dismissed on 27.3.1992. The issue in that O.A. was regularisation of quarter No. 6/12, Sewa Nagar, which was occupied by the petitioner forcibly. The learned counsel for the petitioner Shri S.S. Tewari states that the petitioner has already been evicted from quarter No. 6/12, Sewa Nagar. He is, therefore, not seeking any relief by way of regularisation etc. of that quarter and that what is he now praying is that he should be allotted/quarter No.260/1, Shakur Basti, which was allotted to him, but of a house in lieu of

which vacant possession was not given to him by the respondents. As adverted to earlier, the said quarter was under litigation in another O.A. No. 2536/90 and the respondents have themselves regularised the said quarter in favour of the person who was already in occupation of the said quarter.

4. In the facts and circumstances as narrated above, it appears to be fair and reasonable that the petitioner is considered for allotment of an appropriate type quarter by the respondents on priority as it was their failure to hand over the Quarter No. 260/1, Shakur Basti to the petitioner which created the problem. I accordingly direct the respondents to consider the case of the petitioner for allotment of an appropriate type quarter in lieu of Quarter No. 260/1, Shakur Basti which was allotted to him in his own turn within a period of three months from the date of communication of this order. The O.A. is disposed of accordingly. No costs.

  
(I.K. Rasgotra)  
Member (A)

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