

In the Central Administrative Tribunal

Principal Bench: New Delhi

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OA NO.1518/92

Date of decision:11.12.92.

Smt. Kiran Bala Tohan

...Petitioner

Versus

Union of India through the

Director General, All India

Radio & Another

...Respondents

Coram:-

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

For the petitioner

Shri B.Krishan, Counsel.

For the respondent

Ms. Jasvinder Kaur

Judgement(Oral)

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

The case of the petitioner is that she was transferred from High Power Transmitter (HPT for short) Kingsway Camp to the office of Station Engineer, I.P. Estate, All India Radio on 9.8.1986. She was working as Assistant Engineer in Kingsway Camp and was transferred in the same capacity to the I.P. Estate office. She was occupying a quarter which was allotted to her in Kingsway Camp in June, 1989. On transfer she was allowed to retain the quarter on normal terms for a period of two months. She applied for retention of the quarter for a further period of

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six months in view of some peculiar problems which she was facing. The respondents vide their letter dated 3.10.1989 conveyed to her that she has been allowed "to retain the quarter for 2 months from 9-8-1989 to 8-10-1989 on payment of standard licence fee and further for six months from 9-10-1989 to 8-4-1990 on payment of twice the standard licence fee under FR-45-A...."


2. The petitioner was transferred back to HPT, Kingsway Camp on 31.3.1990 well before the expiry of six months period allowed to her at twice the standard licence fee under FR 45A expired on 8.4.1990. On resuming duty in Kingsway Camp she applied for regularisation and was told on 18.4.91 that her name has been placed in the allotment roster. The learned counsel for the petitioner submitted that in these circumstances the petitioner was entitled to get the house regularised in her name. On the other hand, the respondents cancelled her allotment vide their letter dated 2.11.1991 (Annexure A-7). In view of the above background the petitioner has prayed that the respondents be directed to regularise the government quarter bearing No.00-8, Radio Colony, Kingsway Camp, Delhi in her favour w.e.f. 31.3.1990 - the date she was reposted in the same place on payment of normal rent.

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3. The facts of the case are not disputed. The learned counsel for the respondents, however, submitted that the petitioner would be deemed to be in unauthorised occupation from the date the normal period of retention of two months from the date of transfer expired. It was for this reason that the additional period of six months for which the quarter was allowed to be retained by the petitioner, she was directed to pay twice the standard licence fee under RR-45A.

4. I have considered the matter carefully and am of the opinion that since the petitioner resumed the duties at the original place of posting in Kingsway where she was retaining the quarter within the period permitted by the respondents, she is entitled to be considered for ad hoc allotment of quarter on out of turn basis. Accordingly, the respondents are directed to regularise the quarter under occupation of the petitioner from the date she resumed duty on 31.3.1989 at Kingsway Camp on normal terms. No costs.


(I.K. Rasgotra)
Member(A)