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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
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O.A. NO. 2023/92

Date of Decision : 29.09.1992

Shri Kapur Singh Dalal

...Applicant

vs.

Deputy Commissioner of Police & Ors. ... Respondents

CORAM

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

For the Applicant

...In person

For the Official Respondents

...Shri S.C. Puri

For Respondent No.5

...None

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

Shri Kapur Singh Dalal, Inspector has assailed the order of allotment of a Type-IV quarter to one Shri Nawal Singh by the order dt. 4.6.1992-Quarter No.E-1 Type-IV P.S. Kalkaji.

The applicant in this application has prayed for the grant of the relief that the impugned order dt. 4.6.1992 allotting the quarter to respondent No.5 be cancelled and a further direction to the respondents to allot the said quarter to him.

2. The official respondents contested the application and filed the reply. The learned counsel for respondent No.5 has also filed the reply. The matter continued for a number of dates.

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In fact this quarter No.E-1 Type-IV P.S. Kalkaji is still in occupation of the last allottee Shri Sukhdev Singh, retired DCP, who retired on 28.2.1992. The official respondents, therefore, quashed the allotment in favour of Shri Nawal Singh in respect of the aforesaid quarter on the ground that there is no vacancy to consider for fresh allotment. Thus relief No.(i) prayed for, by the applicant stands allowed.

3. As regards relief No.(ii), the applicant, who appears in person stated that the official respondents should consider his case according to the Extant Rules including those which are applied to physically disabled persons falling in three categories, firstly a T.B. patient; secondly an employee suffering from Cancer and thirdly orthopaedically handicapped employees provided they are eligible for the aforesaid category of quarter. The case of the applicant is that he is an orthopaedically handicapped and falls in the last category. It is also the case of the applicant that according to the seniority he has to be considered first and foremost among the Inspectors for allotment of Type-IV accommodation. It is also the case of the applicant that he wants the accommodation in the locality of Kalkaji alone because he happens to already occupy a Type-II quarter in the

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same locality. It is further stated that he is also getting same place A.I.I.M.S. treatment nearby the L Respondent No.5 has not appeared either in person or through the counsel today. It appears that he has withdrawn from the contest because the allotment in his name does not stand any more.

4. I have heard the applicant in person though earlier there was a request by the proxy counsel that the counsel for the applicant would not be available and the matter be heard after lunch. However, since the applicant is present and argued the case, so he has been heard. Basically it has to be seen whether the applicant is entitled to allotment of the present accommodation because of his seniority, his services as Inspector as well as by virtue of certain concession given for out of turn allotment to senior persons on their suffering certain disability referred to above. The learned counsel for the respondents agrees that the fresh allotment of this quarter shall be made as per the Extant Rules and the case of the applicant shall also be fairly considered on merit. The applicant, however, aspires that a direction be issued to the respondents to allot the said quarter, when vacated, to him. No such directions can be issued at this stage. However, the

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application is disposed of in the following manner :-

- (a) Relief (i) of quashing of the order dt. 4.6.1992 stands allowed by the respondents themselves. So the allotment in favour of respondent No.5 goes away.
- (b) The respondents are directed to allot the quarter No. E-1, Type- IV P.S. Kalkaji as per the Extant Rules taking into account the seniority as well as the disability of the applicant. Since the applicant wants the same accommodation in the same locality, the respondents shall consider his case sympathetically even on out of turn basis as per Extant Rules. In the circumstances, the application is disposed of with the liberty to the applicant to assail the order if he is still aggrieved by the same.
- (c) Costs easy.

J. P. SHARMA

(J. P. SHARMA)  
MEMBER (J)  
29.09.1992