

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH:  
NEW DELHI.

D.A.2048/92

Date of decision: 13.5.1993

Ms Rachna & Anr.

... Petitioners.

Versus

Union of India & Ors.

... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN(J).  
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the Petitioners.

Shri E.X. Joseph, Counsel.

For the Respondents.

Shri P.P. Khurana, Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice S.K. Dhaon,  
Vice Chairman)

Shri K.B.L. Saxena, petitioner No. 2, retired from service on 31.1.1991. On or before that date, he was allotted the Government accommodation of Type 'C'. On the same date, Ms Rachna, petitioner No.1, daughter of petitioner No.2, entered into Government service. The proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, for eviction of the petitioner<sup>ms</sup> from the Government accommodation had been initiated. During the pendency of these proceedings, the application made by petitioner No.1 for allotment of an accommodation to her was considered and the orders thereon were passed on 19/22.7.1991. The order was that a decision had been taken by the Ministry concerned to sanction ad hoc allotment of Type-B accommodation to petitioner No.1. It was also made clear that she would be liable to pay license fee at the rate of full standard license fee of the accommodation, which was in occupation of her father. She was also enjoined to keep the family of her father along with her, failing which the allotment in her favour was liable to be cancelled. Under this order, she was permitted to keep the Government accommodation till she had

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✓ been allotted and given possession of the duly allotted accommodation.

2. On 26.12.1991, petitioner No.2, brought to the notice of the Estate authority, the prescribed authority, the aforesaid decision of the Ministry in favour of petitioner No.1. The ~~despite~~ said fact being brought to the notice of the prescribed authority the Estate Officer on 27.7.1992 passed an order directing the eviction of petitioner No.2 from the accommodation which was allotted to him. In substance, the order dated 27.7.1992 is being impugned in the present application.

3. Despite time being granted on a number of occasions, no counter affidavit has been filed. Shri P.P. Khurana, Counsel, who appeared for the respondents, prayed for further time which we declined (<sup>to grant</sup>). However, he advanced argument in opposition to this application.

4. Having heard the learned counsel for the parties, we are satisfied that the impugned order had been passed arbitrarily and in complete disregard of the order passed in favour of petitioner No.1 to the effect that a decision has been taken to allot her <sup>an</sup> accommodation. The impugned order is not sustainable. It is accordingly quashed.

5. The relevant authority shall endeavour to allot suitable accommodation to petitioner No. 1 as expeditiously as possible. Till an accommodation is allotted to her, the respondents shall not interfere with <sup>her</sup> occupation of the accommodation which is under her occupation at the moment, namely, the one which had been allotted to her father originally.

✓ Petitioner No. 1 shall strictly adhere to the conditions laid down in the communication of the Assistant Director of Estate to the Section Officer, Cabinet Secretariat, New Delhi dated 19/22.7.91.

6. With these directions, this O.A. is disposed of finally, but without any order as to costs.

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(S.R. ADIGE)  
MEMBER(A)

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(S.K. DHAON)  
VICE CHAIRMAN(J)