

26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA.No.2259 of 1992

New Delhi, dated this the 4th of May, 1994.

Shri C.J. ROY, Hon. Member(J)

Shri Avtar Singh,  
S/o Shri Harnam Singh,  
R/o C-89, Sarojini Nagar,  
New Delhi.

Shri Gurdip Singh,  
S/o Shri Avtar Singh,  
R/o C-89, Sarojini Nagar,  
New Delhi.

...Applicants

By Advocate Shri Jog Singh

versus

Union of India through

1. Manager, Government of India Press,  
Minto Road, New Delhi.
2. Estate Officer, Government of India Press,  
Minto Road, New Delhi.
3. The Director, Directorate of Estates,  
Government of India,  
Ministry of Urban Development,  
Nirman Bhawan, New Delhi.

...Respondents

By Advocate Shri M.K. Gupta

O R D E R (Oral) (By Hon. Member(J) Shri C.J. ROY)

This OA has been filed under Section 19 of the Administrative Tribunal's Act, 1985 by the two applicants, the applicant No.1 being the retired employee and the applicant No.2 is the serving Government employee, against the order of the respondent No.2 (Estate Officer) dated 17.8.92 by which the applicants were declared to be unauthorised occupants of the Government Quarter No.C-89, Sarojini Nagar, New Delhi and were further directed to vacate the quarter within 15 days from the receipt of the same (Annexure-1).

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2. The facts of the case are that the applicant No.1 is the father of the applicant No.2, who retired from Government of India Press on 31.8.89. While he was in service, he was allotted a Government quarter at Srinivas Puri, New Delhi. Later on in the year 1972, he was given an alternative accommodation at Sarojini Nagar in which both the applicants herein continue to reside till now. It is averred that the applicant No.1 has always been allotted the accommodation from the Press pool only and the house allotted at Sarojini Nagar does not fall in the same pool.

3. The applicant No.2 is also a Government employee posted as Line Operator in the Government of India Press w.e.f. 2.3.87. It is submitted that he has not been drawing any H.R.A. from the date of his initial appointment(Annexure-II).

4. The respondents have filed their counter in which they have stated that the action taken by the Estate Officer against the applicant No.1 is legally in accordance with the P.P.Act, 1972 as the applicant <sup>No.1</sup> ~~1~~ has retired from Government service w.e.f. 31.8.89. Further, he was allowed to retain the said quarter for a concessional period of 4 months on normal rent upto 31.12.89. The applicant has further requested on medical grounds ~~.....~~ for grant of permission to retain the quarter for a period of 4 months ie. upto 3.4.90 on twice the Pool rent.

28

No.1  
The applicant/ has been occupying the quarter unauthorisedly

w.e.f. 1.5.90 in contravention of allotment rules. They admit the

No.2  
fact that the applicant was appointed as Lino Operator on 2.3.87

on adhoc basis for a period of one year. Due to the adhoc

service, the question of regularisation of the Government quarter

in his name could not be considered. Since the applicant No.1

has retired from service and regularisation of the quarter in

the name of applicant No.2 was not considered favourably due

to his being appointed on adhoc basis, the occupation of the

quarter by applicant No.1 was declared unauthorised w.e.f. 1.5.90

and damage rent charges in respect of the said quarter amounting

to Rs.30,760/- upto 30.4.93 was imposed against him and was

further directed to pay the said amount immediately and disposses

the quarter within a period of 15 days from the date of receipt

of notice. Hence the application be rejected.

5. We have heard the learned counsel for both parties and

perused the documents on record. It is a matter of fact that

the applicant was appointed on adhoc basis for a period of one

year and subsequently extended upto 30.9.89 vide OM No.2/1/16/85

dated 8.5.89. Prior to the order of extention of service, the

services of Lino Operators including that of the applicant No.2

were stated to be terminated vide orders passed in the month

of May, 1989 stating that their services would stand terminated

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29

w.e.f. 13.9.1989. Against this order, the applicants including the applicant No.2 herein had approached this Tribunal vide OA No.1912 of 1989 (Satish Kumar and others versus Union of India) and the Tribunal decided the case on 29.10.1993 in favour of the applicants and the impugned orders terminating the services of the petitioners were quashed with a direction that the respondents shall not interfere with the working of the petitioners as Lino Operators.

6. The learned counsel for the applicant relies of the judgement in OA.1905 of 1990 decided on 10.2.1992 and OA.1167 of 1990 decided on 5.2.92 (both in the Central Administrative Tribunal) in which under similar circumstances, a favourable order was passed to the applicants therein. It is further brought to my notice that the applicant No.2 is staying with his father (Applicant No.1) for more than two years before his retirement and that he is not drawing any H.R.A. from his salary. Therefore he is entitled for the allotment and regularisation of the Government accommodation in his name/ vide office memo dated 11.6.1981, No.5/9/81A-II which has been issued by the respondent No.1 in pursuance of OM dated 1.5.81 issued by the respondent No.3 (Annexure-III) and cancellation of the damage rent imposed against him.

7. Following the reasoning of the judgements referred to above, I feel this case can also be disposed of on the same lines and accordingly proceed to do so.

30

1. The impugned order dated 17.8.1992 is hereby set aside and quashed.
2. The respondents are directed to regularise the quarter No.89-C, Sarojini Nagar, New Delhi subject to payment of normal licence fee etc. in accordance with rules.
3. The respondents are refrained from making any recovery or deduction or penal rent from the pay of the applicant No.2 or the pension drawn by the applicant No.1.
4. With the above orders and directions, the OA is disposed of. No costs.

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(C.J. ROY  
MEMBER (J)  
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