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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.2595/92

Date of decision:03.08.1993.

Shri Sudama Prasad

...Petitioner

Versus

Union of India through the
Director of Estates,
Directorate of Estates,
New Delhi & Another

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. B.S. Hegde, Member (J)

For the petitioner

Shri B.Krishan, Counsel.

For the respondents

Shri P.P. Khurana, Counsel
for Respondent No.1.

Miss Jasvinder Kaur, proxy
counsel for Mr. Jog Singh,
Counsel for Respondent No.2.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

We have heard the learned counsel for the both the parties. The notice of the O.A. was issued Dasti on 1.10.1992. The case was admitted on 14.10.92 when Shri B. Krishan, counsel for the petitioner, Shri P.P. Khurana, counsel for respondent No.1 and Miss Jasvinder Kaur, proxy counsel for Mr. Jog Singh, counsel for respondent No.2 were present and the respondents were directed to file the counter-affidavit within 4 weeks. While the counter-affidavit has been filed by respondent No.2, no reply has been filed by respondent No.1. On 2.12.92 when the case came up again no counter-affidavit was filed by Shri P.P. Khurana, learned counsel for respondent No.1. On 5.7.93 the matter was heard by a Single Bench and orders were reserved. On 9.7.93 the learned Single Judge, one of us

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(Hon'ble Mr. B.S. Hegde, Member (J)) heard the matter again when it was brought to the notice of the Court that identical issues have been decided by a Division Bench in the case of Shri Rajesh Kumar v. Union of India & Another - OA-1210/93 decided on 18.12.1992. The case was, therefore, directed to be listed before the Division Bench in the interest of justice.

2. The petitioner was on deputation with Special Protection Group when he was allotted Government accommodation bearing No.1518, Sector XII, M.B. Road, New Delhi on 30.10.1989. The petitioner was repatriated to his parent cadre in the Ministry of Information and Broadcasting w.e.f. 15.11.1990. The petitioner is entitled to type 'B' accommodation by virtue of his employment in the Ministry of Information & Broadcasting. The SPG Pool of contains quarters/a limited number of quarters which are required to be made available to the personnel serving in the SPG. The present accommodation was allotted to the petitioner from the SPG Pool. On his repatriation, therefore, ordinarily he would have to vacate the said accommodation and secure his entitlement from the general pool controlled by respondent No.1. As mentioned earlier, although respondent No.1, however, has not filed any counter- affidavit.

3. The stand of the respondent No.2 is that SPG quarters are meant for SPG and as soon as the SPG personnel are repatriated to their parent department they are required to vacate the said accommodation so that the same can be allotted to those who are inducted in SPG. There cannot be any dispute about this. On the other hand, the learned counsel for the petitioner has brought to our notice the order issued by Director of Estate, according to which the petitioner has been ordered to be made ad hoc allotment of residential accommodation from general pool vide order No.19/2779/92-CDN-I dated 26.10.1992. The relevant part of the said order reads:-



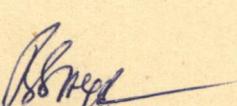
"It has been decided to sanction adhoc allotment of Type 'B' accommodation without restriction of locality/floor on NAV basis to Shri Sudama Prasad.

3. It may also be stated that Shri Sudama Prasad will not be considered for change of accommodation for a period of three years from the date of adhoc allotment or the date on which his priority date for regular allotment is covered, whichever is earlier.

He may please be informed accordingly."

4. In view of the above, we are of the opinion that the petitioner should be allotted suitable accommodation at the earliest possible so that the quarter presently under his occupation from the SPG Pool becomes available for allotment to the SPG personnel. Accordingly, we order and direct respondent No.1 to allot suitable accommodation to the petitioner within a period of three months from the date of communication of this order in pursuance of their allotment order dated 26.10.1992.

5. The O.A. is disposed of as above, leaving the parties to bear their own costs.


(B.S. HEGDE)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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