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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No. 2801/92

Date of decision: 7.7.1993.

Shri G.P. Singh

...Petitioner

Versus

Union of India & Another

...Respondents

Counsel:

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

For the petitioner

Shri B.Krishan, Counsel.

For the respondents

Ms. Pratima Mittal, proxy counsel  
for Shri K.C. Mittal, Counsel for  
Respondent No.2.

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

The short question involved in this case is that the petitioner was rendered surplus in Delhi Milk Scheme (DMS). There after he was absorbed in <sup>the</sup> National Archives in accordance with the Scheme of Redeployment of Surplus Government staff. He was in possession of a quarter while he was working in the DMS. The petitioner was directed to vacate the said quarter vide order dated 26.9.92. Aggrieved by the above order and the action of the DMS, where he was earlier employed to recover rent at the penal rate/damages from him, he has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985, praying that:-

- i) Respondent No.1 be directed to allow alternative accommodation to him on out of turn basis;
- ii, Respondent No.2 be directed to allow him to retain accommodation on payment of normal licence fee till he is allotted alternative accommodation by respondent No.1.

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2. A reply has been filed by respondent No.2 - DMS. Their stand is that the petitioner after he was absorbed in the National Archives he was not entitled for retention of the quarter under his possession. His entitlement from the date of absorption in National Archives is for allotment of quarter from the General pool. The respondent No.1 who controls the General Pool has not filed any reply. The learned proxy counsel for respondent No.2 brought to our notice the list indicating the number of DMS employees who are waiting for allotment of accommodation. When the matter was heard on 3.12.92 the petitioner was allowed to retain the DMS quarter in his possession for a period of six months. He was further directed to submit an application for allotment of eligible/next below type quarter from the General Pool, in accordance with SR 317 B 25. According to the SR 317 B 25 "The Government may for reasons to be recorded in writing relax all or any of the provisions of the rules in this Division in the case of any officer or residence or class of officers or type of residences." The instructions have been further elaborated vide letter No.12035(7)/69/POL dated 3.09.69. The said letter stipulates: "Officers who are occupying the accommodation in other pools on transfer to offices eligible for General Pool may be considered for allotment of accommodation in the next below type in General Pool unless they are eligible for their entitled category by seniority."

3. It is the case of the petitioner that he is entitled to the allotment of entitled category. But in case that is not available he is willing to accept, in accordance with his application, the next below type. Respondent No.1 despite adequate opportunities given has not responded. In the

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circumstances we are left with no alternative but to issue a mandamus to respondent No.1 to consider the petitioner for allotment of a quarter of entitled category/next below category on ad hoc basis within a period of three months from the date of communication of this order in accordance with the provisions made under SR 317(B) 25 and the instructions issued thereunder, adverted to above. During this period the petitioner shall be allowed to continue in the quarter in his possession at the payment of normal licence fee.

4. The O.A. is disposed of as above. No costs.

*W.S.M.*  
( C.J. Roy )

Member (J)

*I.K.R.*  
( I.K. Rasgotra )  
Member (A)

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