

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No.1199/93

New Delhi, this the 25th August, 1994.

HON'BLE SHRI P.T.THIRUVENGADAM MEMBER(A)

Shri Arjun Dass
son of Shri Chuhar Ram
peon, Deptt.of Science &
Technology, Technology Bhawan,
New Mehrauli Road, New Delhi
r/o 3/34,DMS colony,Hari Nagar,
New Delhi.

..Applicant

(By Advocate Shri B.Krishna)

Vs.

1. Union of India, through:
Director of Estates,
'C' Wing, 4th Floor,
Nirman Bhavan, New Delhi.

2. The General Manager,
Delhi Milk Scheme,
Min. of Agriculture,
West Patel Nagar, New Delhi.

..Respondents

(By Advocate Sh.MK Gupta for Res.1)

(By Advocate Sh.V R Krishna, for Res.2)

ORDER

HON'BLE SHRI P.T.THIRUVENGADAM MEMBER(A)

The applicant was working as Junior Plant Operator in the Delhi Milk Scheme and he was allotted government residence bearing No.3/34, Hari Nagar, DMS Colony, New Delhi . The applicant was declared surplus and was appointed as a peon on 19-11-1992 in Department of Science & Technology, Ministry of Science & Technology. It is his case that he is entitled for an alternative accommodation from the general pool in lieu of the departmental pool accommodation in his occupation belonging to the respondent No.2. Though the applicant submitted an application for alternative accommodation under the general pool, such allotment has not taken place. In the meantime, respondent No.2 has threatened dispossession of the accommodation and levy of damages at the rate of Rs.1546 per month vide letter

dated 14-12-1992 (An.A2 to the OA). This application has been filed seeking the following reliefs:-

1. That the respondent No.1 may be directed to allot an alternative accommodation of a type 'A' in the name of the applicant on out of turn basis in lieu of the present one in his occupation.
2. That the respondent No.2 may be directed to allow the applicant to retain the present Qr.No.3/34, DMS Colony, Hari Nagar, New Delhi on payment of normal rate of licence fee till such time the applicant is allotted an alternative accommodation from the General Pool in lieu of the present one.
3. No damages/market rent/penal rent may be charged from the applicant in respect of the present quarter No.3/34, DMS Colony, Hari Nagar, New Delhi.

2. The respondent No.2 in para 4.4 of the reply has stated that the applicant was ^dentitled for DMS pool quarter. On his release from DMS, the quarter is required for essential staff working in the Milk Scheme. Rules permit retention of quarter only for two months on normal licence fee and hence charging of damage rent is in order.

3. The respondent No.1 has stated that officials who are occupying departmental pool of accommodation and are transferred to offices eligible for general pool accommodation are considered for ad hoc allotment of alternate general pool accommodation in lieu of departmental pool accommodation. It has been further submitted that the request of the applicant for ad hoc allotment for alternate general pool accommodation does not appear to have been received in the office of respondent No.2. However, the applicant has produced as An.A4 to the O.A a copy of letter

issued by the Department of Science & Technology therewith forwarding his application for allotment of alternate accommodation from general pool to respondent No.1. In view of this the prayers sought for are reasonable and have to be allowed. While coming to this decision I also note that in more or less similar cases decided by this Bench in O.A. No.577/92 (decided on 1-5-92) and O.A.No.1114/93 (decided on 6-4-94), similar prayers have been allowed. In the circumstances, the following orders are passed:-

- a) That the respondent No.2 shall not evict the applicant from the quarter No.3/34, Hari Nagar, DMS Colony, New Delhi and only recover the normal licence fee till the time the applicant is allotted a residence by the respondent No.1 i.e. Director of Estates and the impugned orders are quashed.
- b) That the respondent No.1 is directed to allot to the applicant on the first available vacancy a quarter of eligible type from the General Pool to the applicant, who shall give an undertaking that within a week of occupation of the said quarter he will vacate the quarter No.3/34, Hari Nagar, DMS Colony, New Delhi and in case of default he will be liable to pay damages/penal rent at the extant revised rates irrespective of the direction given in para 1 above.

4. Interim order already passed on 31-5-93 not to dispossess the applicant from quarter No.3/34, Hari Nagar, DMS Colony, New Delhi shall be continued till the allotment of alternative accommodation by respondent No.1. No costs.

P. J. D. G.

(P.T.THIRUVENGADAM)
Member(A)

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