

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1552/93

New Delhi, this 11th day of January, 1995

Shri P.T.Thiruvengadam, Hon'ble Member(A)

G. Suresh Kumar  
s/o Shri V. Ganapthy  
Jr. Stenographer  
Delhi College of Engineering  
New Delhi

.. Applicant

By Shri P.T.Mathews, Advocate

Versus

Union of India, through

1. Director of Estates  
Nirman Bhawan, New Delhi

2. Asstt. Director of Estates  
Nirman Bhawan, New Delhi .. Respondents

By Shri V.S.R.Krishna, Advocate

O R D E R (oral)

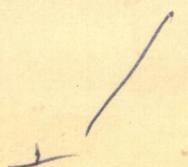
The applicant was appointed in Delhi Administration and was working in the Directorate of Prosecution (DoP) from 13.6.84 to February, 1989. On 25.2.89, he joined the Maulana Azad Medical College (MAMC) on transfer as Junior Stenographer. Subsequently in the year 1991, he has been shifted to Delhi College of Engineering (DCE). All these establishments are under the control of Delhi Administration.

2. The applicant's father retired on 31.7.89 from the Ministry of Agriculture. At the time of retirement he was in possession of the Government quarter allotted to him in August, 1985. The applicant had been staying with his father from January, 1986 as stated by him.

3. The learned counsel for the applicant states that the applicant fulfills the conditions for ad hoc allotment as applicable to the dependants of the government employees on their retirement. Since such an ad hoc allotment has not been made

this application has been filed for quashing the office order dated 18.6.93 and for declaring the applicant eligible for general pool accommodation. It has also been prayed that the eligibility list issued ~~by~~ vide Office Order dated 29.8.89 (Annexure A-4) be declared unconstitutional to the extent that the staff of MAMC except the teaching staff has been shown as ineligible for general pool accommodation.

4. I note that the applicant's father retired on 31.7.89 and the eligibility list bringing out the offices which ~~have~~ been covered for allotment of general pool accommodation dated 29.8.89 filed at Annexure A-4 is not relevant to this OA. Accordingly one of the reliefs regarding unconstitutionality of certain provisions of this memorandum need not be gone into, even though the learned counsel for the respondents insists that the eligibility list is prepared taking into account whether various categories in different units have their own pool accommodation. Since the eligibility list as on 31.7.89 to bring out whether the Stenographers attached to MAMC were eligible for general pool accommodation has not been made available by either side and this OA has been pending for quite some time I direct the respondents to reconsider the case of the applicant in terms of the relevant eligibility list. If as per the eligibility list applicable at the relevant point of time the applicant has a case for ad hoc allotment, the respondents should issue orders for such an allotment within a period of ~~two~~ <sup>three</sup> months from the date of receipt of this order.



5. In case the applicant is not covered by the eligibility list as applicable on 31.7.1989, the case of the applicant may be considered sympathetically for the following reasons:

(i) The applicant has been the employee of the Delhi Administration and was working in the Directorate of Prosecution till February, 1989. Later on from March, 89 he joined the DCE. Both these offices, namely DoP and DCE, are claimed to be included in the eligibility list for allotment of general pool accommodation. Only for the period from February, 89 to March, 91 the applicant was posted to MAMC. The postings within various units of the Delhi Administration are made by the administrative authority and the applicant has no control over such postings. His working in the MAMC for a short period at the relevant point of time has made him ineligible for ad hoc allotment as per instructions. Hence, there is a need for special consideration in his case.

(ii) In the rejoinder, the applicant has brought out the cases of one Shri Rata Singh, one Shri Chunnuram and one Shri Balwant Ram, who are the employees, but not the teaching staff, of the MAMC have been allotted general pool accommodation during March to May, 1988. Special consideration has been shown in their case may be by relaxing the Rules. Similar sympathetic consideration may also be made in the case of the applicant.

6. The respondents are thus directed to reconsider the case of the applicant sympathetically even if he is not covered by the eligibility list as applicable on 31.7.89. The applicant should be communicated of the action taken by the respondents within three months from the date of receipt of this order.

7. The interim order already passed shall continue till the date of final decision as directed above.

8. The OA is disposed of on the above lines. The parties are to bear their own costs.

P. T. L.

(P.T. Thiruvengadam)  
Member (A)  
11.1.1995

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