

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A. No.2137/93.

New Delhi, this the 20th day of January, 1994.

SHRI J.P.SHARMA, MEMBER(J).

Miss Rukmani Kumari,
D/o: Shri Jot Singh,
Sister, Lady Harding Medical College,
Hospital, New Delhi.

...Applicant

(By advocate: Brig. V. Eithrajulu)

VERSUS

The Estate Officer,
Lady Harding Medical College
(Smt. Sucheta Kripalanai Hospital),
New Delhi.

...Respondent

(By advocate: Shri P.P.Khurana, with
Shri Goerge Paracken)

ORDER (ORAL)

The applicant is unmarried daughter of Shri Jot Singh and is working as a Staff Nurse in the aforesaid hospital. The father of the applicant was also a Central Government employee who retired from service before October, 1988. The applicant was sharing accommodation with her father and at that relevant period of time, she did not claim any H.R.A. She applied for eligible type of quarter as per Ministry of Personnel & Training O.M. No. of 1981 and 1987 where the Government has laid down for out of turn allotment to the ward of a retired Government servant who has shared the accommodation with the retiree before his retirement and was a regular Central Government employee. Thus, the applicant was entitled to out of turn allotment but the difficulty arose that the applicant was not coming within the eligible category for consideration of

↓

allotment of eligible type of accommodation from the general pool. In view of this, by letter dated 27-10-88, the Director of Estates has written to the Estates Officer of the Hospital for inter-pool change of type B quarter for allotment to Miss Rukmani, Staff Nurse. This is at the time when the father was in occupation of the general pool accommodation and he has vacated thereafter. Since the applicant has not been favoured with an allotment and the inaction on the part of the Estates Officer of the Lady Harding Medical College, she has filed the present application praying for the grant of the relief that a direction be issued to the respondents to allot eligible type of quarter to her and H.R.A. for the period January, 84 to June, 91 with interest.

2. A notice was issued to the respondents who contested the application on the ground that the applicant could not be paid H.R.A. as she was living with her father who was a Government servant and after the vacation of the quarter by her father, she herself has applied for grant of H.R.A. from 1-2-89 and she has been paid the amount of H.R.A. in lump-sum till April, 1990 amounting to Rs.6,750 and thereafter H.R.A. is paid in the monthly salary bill of the applicant. It is further stated that the applicant will be allotted an accommodation on the basis of seniority in the list maintained by the respondent. Since she is not entitled for general pool accommodation, the house could not be offered to ^{her} ~~him~~ on out of turn basis from the hospital pool as she is down below in the seniority list.

contd...3.

le

3

3. I heard the learned counsel for the parties and perused the records. The learned counsel for the applicant did not pray for the relief for the grant of H.R.A. The only relief that survives in this application is for allotment of eligible type of accommodation to the applicant on out of turn basis. The respondent by their letter dated 30-11-88 wrote to the applicant that if the applicant is allotted a quarter in pursuance of letter dated 27-10-88, then it will amount to out of turn allotment which could not be justifiable. In fact, the contention of the counsel for the respondent ^{/is} ~~that~~ only those wards of the retired Government employee who are entitled for general pool accommodation can be considered for out of turn allotment. If this contention is accepted, then it will amount to discrimination between Central Government employees themselves. Union of India is one and the whole body who is the employer and it is the creation of the state or administration that various organisations work in their own spheres. Lady Harding Medical College is wholly owned by Union of India and employee working there draws his salary from Union of India. If the applicant by luck got an appointment in that College (Hospital) and his father was working in another Central Government organisation where he was eligible for general pool accommodation, the case of the applicant after the retirement of her father, should not go by default. The welfare scheme has been prepared by the Government for the welfare of the employees irrespective of the fact which place they are working and by which pool they are provided accommodation.

le

contd...4.

6

4. In view of these facts and circumstances, the respondent, i.e., the Estate Officer, Lady Harding Medical College, should have considered the case of the applicant for out of turn allotment in view of the O.M. issued by the Government of India in the years 1981 and 1987, referred to above.

5. The application is, therefore, disposed of with a direction to the respondents to consider the case of the applicant for out of turn allotment in pursuance of the letter issued by Director of Estates on 27-10-88 and the applicant may be considered for providing eligible type of accommodation for a type below, if that is not available. Respondents to do the needful within 3 months from the date of receipt of a copy of this Order. Cost on parties.

Jomane.

(J.P.SHARMA)
MEMBER(J)

'Kalra'
21011994.