

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

D.A.N.O.2465/93

(b)

New Delhi, this the 10th of July, 1995

Hon'ble Shri J.P. Sharma, Member (J)

1. Shri Vinod Kumar  
s/o Shri Sain Dass  
r/o G-135, Sri Niwas Puri,  
New Delhi.
2. Shri Sain Dass,  
r/o G-135, Sri Niwas Puri,  
New Delhi. .... Applicants

By Advocate: None

Vs.

1. The Director,  
Directorate of Estates,  
Ministry of Urban Development,  
Nirman Bhawan, New Delhi.
2. The Asstt. Commissioner of  
Incometax (Admn.) Delhi IV,  
'D' Shape Building,  
New Delhi. .... Respondents

By Advocate: None

ORDER (ORAL)

Applicant No.2 is the father who retired  
from the Income Tax Department and was allotted  
Type II Quarter No.G-135, Sri Niwas Puri. He  
retired from the service on 31.5.89. The premises  
were allotted from the general pool accommodation.

Applicant No.1 Vinod Kumar is employed as Chowkidar  
in the same Department, on a daily wager w.e.f.  
13.5.83 and on regular basis w.e.f. 7.10.88 and

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is entitled to Type I quarter. The son was sharing  
With his father, Under the Govt. of India instructions  
the ward of a retiree is eligible for an allotment  
of quarter from the general pool. The retiree was  
also allotted a quarter from the general pool. The  
respondents did not allot/regularise the quarter  
in the name of Applicant No.1 and informed that  
he should deposit a sum of Rs.44,804/- and thereafter  
regularisation can be effected.

The applicant filed this application for  
the relief that the respondents be restrained from  
recovery of damages Rs.44,804/- and the order of  
cancellation of quarter dated 30.6.89 be quashed  
and the eviction proceedings initiated against  
him be also quashed. It is further prayed that  
the same type of quarter be regularised or in the  
alternative another accommodation be allotted to him.

A notice was issued to the respondents  
but no reply has been filed. An interim direction  
was issued to the respondents by the order dated  
25.11.93 to the respondents that the impugned  
quarter or the quarter in question be not vacated.

None is present for the parties. In view  
of the fact the pleadings of the parties have  
been perused. It is not disputed that father and  
son belong to the same department and after retire-

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ment the son Shri Vinod Kumar has a claim for regularisation of the quarter of eligible type on out of turn basis. There is nothing on record to show that the applicant No.1 is not entitled to the allotment of eligible type of quarter. The respondents have deferred the allotment of quarter in the name of Applicant No.1 because the outstanding dues of Rs.44,804/- were not paid.

The applicant No.1 is entitled to out of turn allotment of Type I quarter and the respondents are directed to make <sup>available</sup> Type I quarter to applicant No.1 on out of turn basis, who shall vacate the Type II quarter allotted to his father Q.No.G-135, Srinivas Puri, New Delhi within seven days from the date of receipt of allotment of Type I quarter subject to his depositing normal licence fee of Type II quarter upto the date of allotment of Type I quarter.

If the applicant No.1 defaults in depositing the licence fee as said above, the respondents shall be free to get the premises vacated from the applicants by enforcing the eviction order.

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The applicants are also entitled  
for quashing of the cancellation order of  
allotment dated 30.6.89, as well as the order  
of depositing Rs.44,804/- provided the licence  
fee as said above of the said premises is  
deposited. The application is partly allowed.  
In the circumstances, the parties to bear their  
own cost.

J. P. SHARMA  
(J. P. SHARMA)  
MEMBER(J)

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