

7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA 2689/1993

New Delhi, this 12th day of July, 1994
Shri C.J.Roy, Member(J)

Shri K.C. Sharma
s/o Shri R.L. Sharma
1312, LR Complex, New Delhi .. Applicant
By Dr. J.C. Madan, Advocate

Versus

Union of India, through

1. Secretary
Minl of Urban Development
Nirman Bhawan, New Delhi
2. Director of Estates
Nirman Bhawan
New Delhi
3. Director of Education
Govt. of NCT of Delhi
Old Secretariat, Delhi
4. Shri Ram Gopal, JE
B-7/136, Lodi Colony
New Delhi .. Respondents

By Advocate Shri M.K. Gupta

ORDER (Oral)

The applicant has filed this OA claiming the following reliefs:

- (a) Allotment and handing over possession of Qr. No.B-7/136, Lodi Colony to Respondent No.4 be cancelled and the quarter be allotted to the applicant in accordance with the sanction in his favour; and
- (b) Respondents may be directed to allot change of accommodation in Lodi Colony to the applicant as per his request for change.

2. The facts of the case are that the applicant, who is working as a Teacher in Srinivaspuri School, was allotted Quarter No.1312, Lodi Road Complex (Type B accommodation), which he occupied on 3.6.87. He is entitled for Type C accommodation, he applied for the same on 3.6.87. He claims that the Minister for Urban Development issued instructions sanctioning him B-7/136, Lodi Colony (Type C accommodation) on ~~vacation~~ ^{vacancy} basis. He further says that the said quarter fell vacant on 28.10.93 but he was surprised to find that the quarter is given to Respondent No.4.

vacancy

The applicant made a representation on 15.11.93 (Annexure A-2) to the Minister for Urban Development but without any result. Hence this application claiming the above relief.

3. The respondents have filed their counter denying that the applicant had represented to the Minister for Urban Development for allotment of Qr.No.7/136, Lodi Colony to him. They assert that the former Deputy Minister for Information & Broadcasting wrote to the former Minister for Urban Development requesting that the above said quarter may be allotted to the applicant, the case was examined and it was not acceded to. Therefore, there is no question of issuing any sanction letter to the applicant in regard to the said quarter. They further assert that the said quarter was sanctioned to be allotted to Respondent No.4 as per Annexure A-II letter dated 17.8.1993. In so far as the applicant's claim that he has applied for change of accommodation in July, 1987, the respondents do not deny the same but assert that he is at Matikkin Waiting List No.25640 and the number is not matured so far. However, his case will be considered as and when his number is covered.

4. I have heard the counsel for the parties and perused the material available on record. Both the sides agreed for disposal of this case with a direction. Before giving a direction, I would like to say that the quarter in question is already allotted to another person who is in occupation of the same. Now, according to the respondents, it would not be possible for them to remove that person. However they have no objection to allot a type C quarter, to which the applicant is entitled. It is also brought to my notice that the respondents have taken a decision to allot one Type C quarter to the applicant in his turn but the applicant's counsel opposes the same stating that the applicant should be allotted the quarter on top priority basis.

9

5. I, therefore, direct the respondents to allot a Type C quarter to the applicant on priority basis within a period of four months from the date of receipt of this order by them. The other points raised are not germane to the issue and they are not pressed by both the sides.

The OA is thus disposed of. No costs.

for
(C.J. Roy)
Member (J)

/tvg/