

26

Central Administrative Tribunal
Principal Bench, New Delhi.

OA- 498/23 In
OP-2030/93

15th day of December, 1993.

Shri P.T. Thiruvengadam, Member (A)

1. Shri Gunanand,
Daftari (Retd.),
R/o A-153, Minto Road,
New Delhi.
2. Shri Bhagwati Prasad,
R/o A-153, Minto Road, New Delhi. Applicants

By Advocate Shri K.S. Ahuja, Proxy for
Shri Vivekanand, Counsel

Versus

1. Union of India through
Secretary,
Ministry of Urban Development,
Govt. of India, Nirman Bhavan,
New Delhi.
2. Delhi Administration,
through Commissioner of Police,
Police Headquarters,
I.P. Estate,
New Delhi.
3. The Director of Estates,
Directorate of Estates,
Nirman Bhavan, New Delhi.
4. Estates Officer,
Directorate of Estates,
Nirman Bhavan, N.Delhi.
5. Shri S.M. Aggarwal,
Addl. Distt. Judge,
District Courts,
Tis Hazari, Delhi. Respondents

By Advocate Shri P.P. Khurana assisted by
Shri George Paricken.

(Oral) O R D E R

Shri P.T. Thiruvengadam

This case has been coming up on Board for some time. On 2.11.1993, when the case came up for hearing,

the respondents were directed to produce the list of eligible departments which are covered for allotment (General Pool) by the Directorate of Estates. On 5.11.1993, the next date of hearing, this list was handed over in the Court by the respondents. On the request of the learned counsel for the applicant, the case was adjourned to 8.11.1993. Again, it had to be adjourned to 19.11.1993 and further, to 26.11.1993, 14.12.1993 and 15.12.1993. On all these days, none was present for the applicant. Today, the proxy Counsel for Shri Vivekanand mentions that the learned counsel is not in a position to attend the Court. However, since the arguments have been heard and the matter was treated as part-heard only to go into the aspect of the eligibility of applicant No.2 for General Pool accommodation, the case is being disposed of today.

2. The details of the case are as follows. Applicant No.1 was serving with the Ministry of Communications in the Department of Telecommunication and had been allotted government accommodation Type I, bearing No.A-153, Minto Road, New Delhi, by the Directorate of Estates from the General Pool. He took voluntary retirement on 1.8.1988. A show-cause notice was issued by the Estates Office on 17.2.1989 stating that the applicant had been continuing to occupy public premises even after the allotment letter stood cancelled w.e.f. 30.11.1988 vide the Directorate of Estates letter of 31.10.1988. The applicant was asked to show-cause on or before 24.4.1989 as to why an order of eviction should not be made. On 7.5.1991, the eviction order was passed by the Estates Officer. This O.A. has been filed with a prayer for setting aside the eviction order dated 7.5.1991 and for regularising the accommodation in favour of Applicant No.2.

3. It is the case of the applicants that Applicant No.2, who is the son of Applicant No.1, was appointed as a Constable in the Delhi Police w.e.f. 1.4.1986. Immediately after the retirement of Applicant No.1, the Applicant No.2 requested for regularisation of the quarter allotted in the name of his father, Applicant No.2. This request for regularisation was considered and rejected at the level of U.D.M., as Delhi Police is not eligible for General Pool accommodation because they have their own Pool of accommodation. The applicants also appealed against the eviction order in the Court of Addl. District Judge in PPA No.238/91. This appeal was dismissed as withdrawn after affording permission to Appellant No.2 to agitate the matter before the appropriate authority.

4. On 26.3.1993, when the case came up for hearing before this Bench, an order was given that the respondents are directed to maintain the status quo as on date. This interim order still continues.

5. The main ground advanced by the respondents is that applicant No.2 is not eligible for General Pool accommodation since he is working as a Constable in Delhi Police. To this effect, Office Memorandum No.11013(D)(6)/93-Pol.IV dated 26.10.1993 issued by the Directorate of Estates is produced. Part 'B' of the list includes offices under the Delhi Administration which are eligible for allotment of General Pool residential accommodation in Delhi. From this compilation, it is seen that the non-gazetted staff working in Delhi Police, are not eligible for General Pool accommodation. Hence, the question of regularising the accommodation allotted to Applicant No.1 in the name of his son, figuring as Applicant No.2, does not arise.

6. I agree with the grounds advanced by the respondents and I find that there is no case for regularising the accommodation as prayed for. Accordingly, the O.A. is dismissed.

7. MP-2036/93 had been filed with a request to produce the following documents:-

(a) Eligibility list of offices of Delhi Admn. entitled for General Pool accommodation.

(b) Rejection of the representation of Applicant No.2 requesting for regularisation of the quarter and a copy of the termination of licence dated 30.11.1988.

As regards (a) above, the list has already been produced before the Court. As regards (b), it is stated by the learned counsel for the respondents that as per SR-317(b)-
11 - Allotment of Government Accommodation (General Pool)
~~Rules~~,
~~in~~ Delhi, 1963, any allotment made is deemed to be terminated on the expiry of the ~~grace~~ ^{allowable} period as mentioned in the Schedule. In view of this, the need for going into the prayer in this regard does not arise. MP-2036/93 is disposed of accordingly.

8. In the result, the O.A. is dismissed and the interim order passed on 26.3.1993 stands vacated.

P. T. Thiruvengadam

(P.T. Thiruvengadam)
Member(A)