

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.726/93

New Delhi this the 9th Day of November, 1993.

Hon'ble Sh. B.N. Dhoundiyal, Member(A)

Sh. Sulender
son of Sh. Murari Lal
Resident of Flat No.1057,
Kalyan Vas,
New Delhi.

... Petitioner

(By Advocate Shri S.C. Jain)

versus

1. Govt. of National Capital
Territory of Delhi through
Secretary(L&B) Department,
Vikas Bhawan, I.P. Estate,
New Delhi.

2. Estate Officer,
Govt. of National Capital
Territory of Delhi,
Vikas Bhawan,
I.P. Estate,
New Delhi.

... Respondents

(By Advocate Shri Amresh Mathur)

ORDER(ORAL)

The applicant is the son of a deceased employee who was allotted Quarter No.1057, Kalyanwas, Delhi as an employee of Lok Nayak Jai Prakash Hospital under the Delhi Administration. He has stated that since he is also working as sweeper in the same organisation he is entitled for allotment to the same type of quarter. After the death of his father he was allowed to continue for some time but subsequently action was taken under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. He appealed against the order in the court of Additional District Judge, Delhi. The learned Judge vide his order dated 23.03.1993 granted stay upto 18.4.1993 with liberty to the applicant to approach the appropriate authority for regularisation of the quarter in his name. No reply was received to his representations and hence this application

Sw

..2..

has been filed in the Tribunal. He has prayed that the cancellation order dated 29.1.1992 as well as the eviction order dated 24.2.1993 may be set aside and the said quarter may be regularised in his name.

In the counter filed by the respondents, the main averments made are these. The allotment of accommodation to the father of the applicant ceased to be effective after the expiry of grace period of 6 months i.e. from 13.6.1987 and an order in this respect was sent to the legal heir and occupants of Flat No.1057, Kalyanwas, Delhi vide order dated 29.1.1992. The applicant was employed in government service on his selection/recommendation by the Staff Selection Commission and not on compassionate ground two years after the death of his father. It is also averred that he was not sharing the accommodation with his deceased father, therefore, under the Rules he was not entitled for consideration for allotment of the flat.

We have gone through the records of the case and heard the learned counsel for the parties. Rule 20(3)(c) of the allotment of Govt. Residences (General Pool) Rules, 1977 reads as under:-

"Ad hoc allotment may be made on death/retirement of a Govt. servant to his dependent if the Govt. servant was an employee of Delhi Admn. and was occupying an accommodation from the Admn.'s pool and his dependent is also an employee of the Admn. provided such dependent has been sharing the accommodation with retired/deceased Govt. servant for the last 6 months immediately preceding the date of the letter's retirement/death and was not drawing any HRA. The eligible dependent will be allotted accommodation one type below his/her entitlement."

En

Admittedly the applicant was not a government servant on the date his father expired and was not covered under this rule. He has an elder brother in the family and it is not known whether any family pension was granted to his mother. In any case the considerations for compassionate appointments would depend on the merits of the individual case and cannot be linked with the out of turn allotment of the flat. He has to wait for his turn for allotment of the flat. I see no merit in the application and it is hereby dismissed. There will be no order as to costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal) 7/1/93

Member(A)

/vv/

091193