

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No.453 of 1992

AshokK Kumar Verma Applicant

Versus

Union of India through Secretary, Ministry
of Housing and Urban Development, New Delhi
.. . . . Respondents

Hon'ble Mr. S.N. Prasad, Member(J)

The applicant has approached this tribunal under section 19 of the Administrative Tribunals Act, 1985 ^{~mainly~} with the prayer for issue of direction to the respondents to allot quarter no. II/146, Kendranchal Lucknow in the name of the applicant. The main grievance of the applicant appears to be that applicant was appointed as driver by respondent no. 5 (Station Director All India Radio, Lucknow) in the year 1983 and since then he is continuously working under the ^{control and} jurisdiction of the respondent no. 5. The father of the applicant ^{~namely~} Shri Ram Avtar was working as driver under the jurisdiction of the respondent no. 5, and in the year 1986 father of the applicant was allotted a quarter no. II/146/ Kendranchal Colony, Aliganj, Lucknow and since then the father of the applicant as well as the applicant used to live therein. In the month of July, 1991, the father of the applicant was retired from service at the age of superannuation. It has further been stated that the respondent no. 5 by his letter dated 17.9.1991 informed the applicant that the allotment can be made only in those situations where employee lives with his father continuously for the last 3 years and he has not received any house rent allowance from the department (vide annexure-2). With a view to get the benefits of allotment

Contd...2/-

The applicant ~~has~~ deposited Rs. 8,790/- (vide receipt Annexure no. 4) on 6.1.1992. In pursuance of his application dt. 21.9.1991 (Annexure-3) ^{the} and respondent no. 5 has also recommended the case of the applicant for allotment of the aforesaid ^{quarter} case in favour of the applicant as per rules.

2. I have heard the learned counsel for the applicant and have perused the papers.

3. The learned counsel for the applicant while drawing my attention to the contents of the application and papers annexed thereto has urged that since the applicant has deposited a sum of Rs. 8,790/- by way of payment of house rent allowance and since the applicant has been living continuously in the aforesaid quarter for the last more than 3 years and since the representation of the applicant dated 21.9.1991 (Annexure-3) has still not been decided by the respondent no. 3 and if the same is decided by the respondent no. 3 early, that may go a long way in giving substantial redressal to the grievance of the applicant. This is noteworthy that according to the applicant house rent is being deducted from the salary of the applicant and it is also noteworthy that the applicant has deposited Rs. 8,790/- by way of payment in regard to the house rent allowance ^{and in lieu of}.


3. Having considered all the view points and all the aspects of the matter, I find it expedient that ends of justice would be met if the respondent no. 3 (Executive Engineer, C.P.W.D. Sector, D', Aligarh, Lucknow)

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is directed to decide the above representation of the applicant dated 21.9.1991 (Annexure-3) early in accordance with extant rules, regulations, and orders in this regard, by reasoned and speaking order and till the decision of the above representation dated 21.9.1991 (Annexure-3), the applicant shall not be evicted from the aforesaid quarter No.II/146, Kendranchal, colony Aliganj, Lucknow, and I order accordingly.

4. It is made clear that if the above representation dated 21.9.1991 (Annexure-3) is not readily available with the respondent No. 3, then in that case the applicant shall furnish a copy thereof to the respondent No. 3 within a period of fifteen days from the date of the receipt of the copy of this order.

5. The application of the applicant is disposed of as above at admission stage.


Member (J) 15.9.92

Lucknow Dated 15.9.1992.

(RKA)