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CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO.: 172 OF 1996.

Date of Decision : 30.7.96

Shri Anthony Mathew & Anr. Petitioner.

Shri Ramesh Ramamurthy Advocate for the Petitioner.

VERSUS


Union Of India & Others Respondents.

Shri V.S. Masurkar. Advocate for Respondent
Nos. 1 to 3.

Shri R. R. Shetty. Advocate for Respondent No. 4

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to
other Benches of the Tribunal ?


(B. S. HEGDE)
MEMBER (J).

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(8)

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO.: 172 OF 1996.

Dated, this Provenance, the 30th day of July, 1996.

CORA-M : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

1. Anthony Mathew

2. C. Anthony Mathew

C/o. Shri R. Ramamurthy,
Advocate,
A/6, Bhagirath,
Jay Prakash Nagar,
Goregaon (East),
BOMBAY - 400 063.

... Applicants

(By Advocate Shri R. Ramamurthy).

VERSUS

1. Union Of India
through the Secretary,
Ministry of Works & Housing
(Directorate of Estates),
Government of India,
NEW DELHI - 110 001.

2. The Director,
(Directorate of Estates),
Nirman Bhavan,
New Delhi - 110 001.

... Respondents.

3. The Estate Manager,
Government of India,
Old C.G.O. Building Annexe,
3rd floor, 101 Maharashi
Karve Road, Bombay - 400 020.

4. The Admiral Superintendent,
Naval Dockyard,
BOMBAY - 400 023.

(By Advocate Shri V.S. Masurkar
for Respondent Nos. 1 to 3.

By Advocate Shri R.R. Shetty for
Shri R.K. Shetty for Respondent
No. 4)

: ORDER :

¶ PER.: SHRI B. S. HEGDE, MEMBER (J) ¶

: 2 :

The applicant no. 1 is the father of applicant no. 2 who was allotted quarter no. 2299/199, Type-III, Section-6, CGS Quarters, Kane Nagar, Antop Hill, Bombay - 400 037. The said accomodation was from General Pool. Formerly, the applicant no. 1 was in occupation of some other quarters which he surrendered on his transfer to New Delhi. The present accomodation was allotted on applicant no. 1's transfer back to Bombay in 1989. Applicant no. 2 joined services in the Naval Dockyard on 04.02.1991 as HSK-II and he was promoted as HSK-1 after one year. He was not paid any house rent allowance from 02/1991 and was permitted to share the accomodation in question. A certificate dated 11.08.1994 has been issued to this effect. In August 1994, the applicant no. 2 sent a request to the Estate Manager, Bombay, stating that his father, applicant no. 1, was serving as Foreman of Stores in Naval Dockyard, Bombay, and has been residing in the aforesaid quarter and he has been residing with his father. Since he did not have any accomodation of his own and was not in a position to buy any accomodation and this father was to retire from 30.09.1994 and he has not been drawing the house rent allowance, in the circumstances, he requested the Estate Manager to regularise the quarter in question from Applicant No. 1 to Applicant no. 2.

2. There is no dispute regarding the factual averments. In the circumstances, the O.M. dated 15.3.1994 is not applicable to the case of the applicant and the eviction proceedings to regularise the quarter in question in the name of applicant no. 2 is illegal and bad in law, etc.



3. Heard the counsel for the parties. The Tribunal after hearing the parties on 18.04.1996 and on perusal of the contentions made by the applicant, passed the order as follows :-

"Heard Shri M.S. Ramamurthy, Counsel for the applicant. Shri V.S. Masurkar, Counsel for the respondents.

Shri Ramamurthy draws my attention to the letter issued by Respondent No. 4 dated 1.6.1995 stating that the applicant is entitled to retain the same accommodation from the CGS Pool being a Central Government employee as has been done in the past such cases by the Estate Officer. He has also drawn my attention to the letter dated 09.10.1995 (exhibit 'O') and O.M. dated 15.03.1994 (exhibit 'Q') that the policy decision taken by the respondent no. 1 stating that the officers of Naval Dockyard as ineligible for allotment from general pool.

In the circumstances, in order to come to a decision, the respondent no. 2, the Director, Directorate of Estate, Nirman Bhavan, New Delhi, is directed to file an affidavit regarding the policy decision taken by them on 15.3.1994 still holds good in so far as the Naval Dockyard is concerned. Similarly, the respondent no. 4 is also directed to file an affidavit with regard to his letter dated 09.10.1995, whether in view of department's letter dated 15.03.1994 he is empowered to issue any direction/address letters to Estate Officer to reconsider their decisions. /

The respondent no. 2 and respondent no. 4 are directed to file their affidavit by 25.5.1996. Copy of the affidavits be given to the counsel for the applicant in advance.

Adjourned to 6.6.1996. Interim relief already granted shall continue till then."




4. The respondent no. 2 has filed an affidavit stating that the policy decision taken by the Respondent No. 1 on 15.03.1994 making the officers of Naval Dockyard, Mumbai, as ineligible for allotment from the General Pool of accomodation in Mumbai still holds good. The respondents also annexed a copy of letter dated 15.03.1996 which reads as follows :

"The officers of Naval Dockyard will continue to remain ineligible for allotment of General Pool Accomodation at Bombay. However, it has been decided that the officers of Naval Dockyard who are already allottees of General Pool Accomodation will be allowed change in the same type as admissible under the allotment rules."

This being the factual position, since the applicants are in occupation of General Pool Accomodation and in the facts and circumstances of the case, the respondents are left with no other alternative but to regularise the quarter which is in occupation of the applicants, in the name of Applicant No.2. This should be done within a period of one month from the date of receipt of a copy of this order.

5. The O.A. is disposed of with the above directions without any order as to costs.


(B. S. HEGDE)
MEMBER (J).