

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 553/91

198

TAX NOX

DATE OF DECISION 27.4.92S. N. Mane & Another PetitionerMr. S. Natarajan Advocate for the Petitioner(s)

Versus

Union of India & Ors. RespondentMr. V S Masurkar Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M Y Priolkar, Member (A)

The Hon'ble Mr. xxxxxx

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*2. To be referred to the Reporter or not? *No*3. Whether their Lordships wish to see the fair copy of the Judgement? *No*4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

MGT/PRRND-12 CAT/86-3-12-86-15,000

M(A)

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" PRESCOT ROAD,
BOMBAY - 400001

OA No. 553/91

1. S N Mane

2. M R Mane

both residing at

Qr.No. 276/25

C. G. S. Colony

Ghatkopar; Bombay 400086

..Applicants

v/s.

1. Union of India

through Director of Estate

Government of India

Nariman Bhavan

New Delhi

2. Estate Manager, Old CGO

Building Annexe, 3rd floor;

101 Maharshi Karve Road

Bombay 400020

3. Admiral Superintendent

Naval Dockyard; Lion Gate

Bombay 400023

..Respondents

Coram: Hon. Shri M Y Priolkar, Member (A)

APPEARANCE:

Mr. S Natarajan
Advocate
for the applicants

Mr. V S Masurkar
Counsel
for the respondents

ORAL JUDGMENT

(PER) M Y Priolkar, Member (A)

DATED: 27-4-1992

This application is for a direction to the
respondents for regularisation of the quarter on father

(X)

to son basis after the father's retirement. The applicant no.1 is the son of the employee who retired on 31.12.1989 and admittedly fulfilled all the eligibility conditions laid down in the OM dated 1.5.1981 as amended by OM dated 19.11.1987, of the Ministry of Works and Housing. By the said OM, concession of ad hoc allotment of general pool accommodation to the dependents/~~of the employees~~ / relations of the Government employees are ^{eligible} ~~are~~ ^{they} ~~out of turn~~ granted and are entitled for allotment of quarters after retirement of the employee.

2. It is not disputed by the respondents, and in fact the Assistant Personnel Manager of the respondents had certified on 1.12.1990 that the applicant no.1 was not in receipt of any House Rent Allowance (HRA) for more than three years prior to the retirement of the father of the applicant, which is one of the essential eligibility conditions. It is also mentioned in this letter of the Assistant Personnel ~~Manager~~ that arrears of HRA were however recovered from January 1986 to April 1986, from the wages for the month of May 1986. Apparently this has created some confusion in calculating the period of three years prior to retirement during which no HRA was to be paid. As is apparent from the eviction order dated 13.9.1991 of the Estate Manager in which it has been stated that during the course of personal hearing information was given that the respondents have ~~deducted~~ ^{H.R.A} from the salary bills of ~~his~~ son in April 1986 along with arrears and hence he has requested that "the quarter he is in occupation of, may please be regularised in his son's name. His request has been examined but it has not been found possible to accede to the same as he had drawn HRA from January 1986 and subsequently returned."

Probably the cut off date for the three year period has been taken as January 1986 and not January

(6)

1987 as should have been correctly done since the date of retirement of the father is 31.12.1989.

The learned counsel for the respondents could not give any other ground on which the applicant was found ineligible for the purpose of regularisation of the allotment of quarters allotted to the father in the name of the son. Since the instructions are very clear and the applicant no.1 seems to be fully entitled for the regularisation prayed for there was no valid ground on which his request for regularisation could be rejected.

In the circumstances the application is allowed and the respondents are directed to regularise the Type II Quarter presently in the occupation of the applicants in the name of applicant no.1. The eviction order dated 13.9.1991 is also quashed and set aside. Recovery of the licence fees would be governed by normal rules. No order as to costs.


(M Y PRIOLKAR)
MEMBER (A)