

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 920 of 1997.

Date of Decision : 22.06.2006.

Shri Dattatray R. Tote & Anr., Applicants.

Shri V. D. Surve, Advocate for the applicants.

**VERSUS**


Union of India & others, Respondents.

Shri V.S. Masurkar, Advocate for Respondents

**CORAM :**

Hon'ble Shri Anand Kumar Bhatt, Member (A).

1. To be referred to the reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?
3. Library.

  
(Anand Kumar Bhatt)  
Member (A).

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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**BOMBAY BENCH, MUMBAI.**

**ORIGINAL APPLICATION NO.:** 920 of 1997.

Dated this Thursday, the 22<sup>nd</sup> day of June, 2006.

**CORAM** : Hon'ble Shri Anand Kumar Bhatt, Member (A).

1. Dattatray Rajaram Tote,
2. Gajanan Dattatray Tote ... Applicants.

Both are residing in Bldg. No. 192,  
Qtr. No. 2036, Sector VI, CGS  
Quarters, Antop Hill, Mumbai 37.

(By Advocate Shri V.D. Surve)

VERSUS

1. Union of India through  
Estate Manager,  
Old C.G.O. Bldg. Annexe,  
3<sup>rd</sup> floor, New Marine Lines,  
Mumbai 400 020.
2. The Director of Estates  
(Regions), Nirman Bhavan,  
New Delhi - 110 011.
3. The Personnel Manager,  
O/o. The Admiral Superintendent,  
Naval Dockyard,  
Mumbai - 400 023. ... Respondents.

(By Advocate Shri V. S. Masurkar)

**ORDER (ORAL)**

*Per: Shri Anand Kumar Bhatt, Member (A).*

Applicant No. 1, Dattatray Rajaram Tote, was  
working in the Naval Dockyard, Mumbai and retired

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from service w.e.f. 01.02.1997. He was allotted a Type-II C.G.S. Quarters in Antop Hill, Mumbai. The son of the applicant no. 1, Gajanan Dattatray Tote (Applicant No. 2) is also working in Naval Dockyard since 29.11.1991 and has been living with his father without availing of the H.R.A. After the retirement of father, the applicants applied for allotment of the quarter in the name of Applicant no. 2 for which there is a provision in the allotment rules. However, the application for regularization in the name of Applicant No. 2 was rejected as by a letter of the Directorate of Estates the Naval Dockyard employees were not eligible for the general pool accommodation of Central Government quarters. The same issue had come before the Tribunal in O.A. 172/1996 and O.A. 401/1996 and the Tribunal directed the respondents to regularise the quarter in occupation of the applicants in the name of the son after the superannuation of the father.

2. In the reply filed by Respondent No. 1 and 2 [Directorate of Estates, Government of India] it has been mentioned that vide the Directorate of Estates' letter dated 15.03.1994 (Exhibit A) officers of Naval Dockyard have been declared ineligible for allotment from general pool accommodation. The officers of

*[Handwritten signature]*

Naval Dockyard had some grievance about the decision conveyed by the Directorate of Estates and they had made a representation in the matter and the decision taken by the Government was that those who were already allottees of GP accommodation will be allowed the normal change in the same type that is admissible under the allotment rules. As the present case is a fresh case of allotment, his request is not covered under the direction of the Directorate of Estates dated 15.03.1994.


3. This O.A. was filed on 20.08.1997 and on 14.06.2001 it was pointed out by the counsel for the respondents that in a similar case in O.A. 401/1996 where relief was given to the applicant therein, the matter has been taken by the respondents to the Apex Court in SLP Civil No. 5820/97. Under the circumstances, the matter was kept in sine die.

Later, the case was taken out of sine die as it was pending for a very long time. Today, Shri Surve, Counsel for the applicant and Shri Masurkar, Counsel for the respondents were present. The Counsel for the respondents has stated that he has not been able to get any information relating to SLP No. 5820/97. It is not conceivable that the SLP would be pending in the Apex Court for such a long time and had there

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been a judgement in favour of the respondents, they would have brought it to the notice of the Tribunal. Therefore, it would be appropriate for us to give similar relief to the applicants as has been done in the past in the above mentioned two O.As. Accordingly, the said quarter be regularized in the name of Applicant No. 2 from the date of superannuation of Applicant No. 1. In case Applicant No. 2 is not entitled to that type, he be allowed a change to the admissible type on a priority basis. The counsel for the applicants stated that applicant no. 2 has been paying normal rent of the said quarter regularly. The order relating to regularization or otherwise as above be issued within two months of receipt of this order.

4. O.A. allowed as above. No costs.

  
(ANAND KUMAR BHATT)  
MEMBER (A).

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