

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P. NO. 495 OF 2016
(In O.A.No.600 of 2013)

New Delhi, this the 14th day of November, 2017
CORAM:

**HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER
AND**

HON'BLE MS.PRAVEEN MAHAJAN, ADMINISTRATIVE MEMBER

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**Raj Kumar,
s/o Sh.Ram Singh,
R/o House No.409, Gali No.13,
Joshi Road, Karolbagh,
New Delhi 110005 (Applicant in OA No.600/13)....Petitioner
(By Advocate: Shri Yuvraj Mishra, proxy for Shri Sandeep Srivastava)
Vs.**

1. **Sh.Jitender Kumar,
Dy.Director Estate A-II,
Directorate ofEstate,
Nirman Bhavan,
Govt. of India, New Delhi.**
2. **Dr.Tarun Kumar Seem,
Director of Health Services,
Govt. of NCT of Delhi,
Through the Chief District Medical Officer,
Central Distt., Nabi Karim, Paharganj,
Delhi 110005**
3. **Sh.Prem Narayan,
Director,
Directorate of Estate,
Nirman Bhawan,
Govt. of India, New Delhi.**
4. **Mr.M.M.Kutty,
Chief Secretary,
Govt. of NCT of Delhi,
New Secretariat,
New Delhi 110002 (Respondents in OA 600/13)....Opp.Parties
(By Advocates: Shri R.N.Singh and Ms.Sumedha Sharma)**

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ORDER
Per RAJ VIR SHARMA, MEMBER(J):

We have carefully perused the records and have heard the learned counsel appearing for the parties.

2. In compliance with the order dated 1.4.2016 passed by the Tribunal in OA No.600 of 2013, the Deputy Director of Estates (A-II)(respondent-opposite party No.1) examined the matter, and, vide his letter dated 27.5.2016, informed the applicant that Type II Qtr.No.3A, Block 36, DIZ Area, New Delhi, had already been allotted to other person, and that a Type II Qtr.No.416, Block 87, Second Floor, Sector-1, DIZ Area, New Delhi, was available in GAMS, which could be allotted to him in lieu of Qtr.No.3A, Block-36, DIZ Area, New Delhi, after obtaining "No Junior Certificate" from respondent-opposite party no.2. Accordingly, respondent-opposite party no.1 requested the applicant to convey his willingness to be allotted Type II Qtr.No.416, Block 87, Second Floor, Sector-1, DIZ Area, New Delhi, within 15 days of receipt of the letter. The applicant, vide his letter dated 6.6.2016, submitted his willingness along with his acceptance in the prescribed form and "No Junior Certificate" dated 3.6.2016 issued by the respondent-opposite party no.2. In spite of this, respondent-opposite party no.1, vide his letter dated 14.6.2016, requested the Public Works Department of the Government of NCT of Delhi to furnish "No Junior Certificate" in the proforma enclosed therewith. The Public Works Department of the Government of NCT of Delhi, vide letter dated 23.6.2016,

informed the respondent-opposite party no.1 that due to implementation of the online allotment system, the certificate required by the Directorate of Estates became irrelevant and, therefore, they were unable to issue “No Junior Certificate” as required under letter dated 14.6.2016(ibid). In this connection, the Public Works Department also enclosed a copy of the letter dated 31.7.2014 with their letter dated 14.6.2016(ibid), whereby the issuance of “No Junior Certificate” has been dispensed with. While so, the respondent-opposite party no.1 issued an order dated 20.7.2016 rejecting the proposal for allotment of Type II Government accommodation No.416, Block 87, Second Floor, Sector-1, DIZ Area, New Delhi, to the applicant in view of non-issuance of “No Junior Certificate” by the Public Works Department, Government of NCT of Delhi.

3. On 12.10.2017 the Contempt Petition was taken up for hearing. During the course of hearing, Ms.Sumedha Sharma, the learned counsel appearing for respondent-opposite party nos. 2 and 4, placed before us copy of a letter No.F.4(NOC)/Allot./PWD/2012/13955-13956, dated 22.9.2017, issued by the Deputy Secretary (PWD/Allot), Public Works Department, Government of NCT of Delhi, to the respondent-opposite party no.1, copy whereof was also given to the applicant. By the said letter dated 22.9.2017, the Public Works Department, Government of NCT of Delhi, is stated to have forwarded/enclosed a copy of “No Junior Certificate/No Objection Certificate” to the respondent-opposite party no.1 for allotment of Government accommodation to the applicant. The annexure to the said

letter dated 22.9.2017 is found to be a certificate issued by the Public Works Department, Government of NCT of Delhi, on 7.2.2013, to the Assistant Estate Manager, Directorate of Estate, Government of India, Nirman Bhawan, New Delhi, the relevant portion of which is reproduced below:

“CERTIFICATE

Certified that Sh.Raj Kumar s/o Sh.Ram Singh is eligible for allotment from DHS other than Delhi Administration Pool.

Certified that officers junior to Sh.Raj Kumar has been allotted in-turn accommodation from Delhi Administration Pool.”

Thus, it is clear that in view of the policy decision taken by the P.W.D., Government of NCT of Delhi, dispensing with the requirement of issuance of “No Junior Certificate” to the Directorate of Estates with effect from 31.7.2014, and on the basis of “No Junior Certificate” dated 7.2.2013 issued by the Public Works Department, Government of NCT of Delhi, to the Directorate of Estates for allotment of Government accommodation to the applicant, the Directorate of Estates or, for that matter, respondent-opposite party no.1 ought to have allotted and handed over possession of the Type II Qtr.No.416, Block 87, Second Floor, Sector-1, DIZ Area, New Delhi, to the applicant. In this view of the matter, the rejection of the proposal to allot the said Government accommodation in favour of the applicant by the Directorate of Estates/respondent-opposite party no.1 solely on the ground of non-issuance of “No Junior Certificate” by the Public Works Department, Government of NCT of Delhi, amounts to diluting and/or failure to comply with the Tribunal’s order dated 1.4.2016(ibid) in letter and spirit. However,

in order to give another opportunity to respondent-opposite party nos. 1 and 3 to fully comply with the Tribunal's order dated 1.4.2016 passed in OA No.600/13, we deem it just and proper to direct respondent-opposite party nos. 1 and 3 to allot Type II Qtr.No.416, Block 87, Second Floor, Sector-1, DIZ Area, New Delhi (if the same has not already been allotted to any other person) or allot any other available Type II quarter to the applicant and hand over possession of the same to the applicant without insisting on issuance of "No Junior Certificate" by the Public Works Department, Government of NCT of Delhi. It is ordered accordingly. The entire exercise shall be completed by the respondent-opposite party nos. 1 and 3 within a period of three months from today.

4. With the above observation and direction, the C.P. is disposed of. In the event no Government accommodation is allotted by the respondent-opposite party nos. 1 and 3 in compliance with the present order, the applicant shall be at liberty to file a miscellaneous application for restoration of the Contempt Petition as against respondent-opposite party nos. 1 and 3 only.

5. Besides delivering copies of the order to the learned counsel for the parties, the Registry shall communicate copies of this order to respondent-opposite party nos.1 and 3 by Speed Post in course of the day.

6. No costs.

(PRAVEEN MAHAJAN)
ADMINISTRATIVE MEMBER

(RAJ VIR SHARMA)
JUDICIAL MEMBER