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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 725/2001

New Delhi, this day the 6th September, 2001

HON'BLE MR. SHANKER RAJU, MEMBER (J)

Smt. Usha Gursahany W/o Late Sh. Ghanshyam
Gursahaney, employed as Stamp Vendor in
Chanakyapuri Post Office, New Delhi-110021
under South West Postal Division, New Delhi
of Delhi Postal Circle, New Delhi, R/o
Postal Qr. No. 876/VI, R.K. Puram,
New Delhi-110022, address for service of notices
C/o Shri Sant Lal, Advocate,
C-21 (B), New Multan Nagar,
Delhi-110056 ... Applicant
(By Advocate : Shri Sant Lal)

Versus

Union of India through

1. The Secretary,
Ministry of Communications, Dept. of Posts,
Dak Bhawan, New Delhi 110001
2. The Chief Postmaster General,
Delhi Circle, Meghdoot Bhawan,
New Delhi-110001 Respondents
(By Advocate : Mrs. Pramila Safaya)

O R D E R (ORAL)

Heard the learned counsel for the parties.

2. The grievance of the applicant is directed against an order passed by the respondents on 5.12.2000 wherein the recovery of Rs.1,54,612.45 has been raised against the applicant on account of unauthorised occupation of Government accommodation which was allotted to her husband who was employed with the respondents.

3. The learned counsel for the applicant states that on compassionate basis the applicant was offered appointment to the post of Postman which she refused on account of educational qualification and

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ultimately she was offered the post of Stamp Vendor vide respondents letter dated 19.7.1995, which was given effect from 12.6.1995. It is further stated that the applicant had already submitted application for permission to retain the Government accommodation pending her appointment on compassionate ground and regularisation of the quarter in her name. The applicant also states that she has been paying the normal rent for the period upto February, 2001. The applicant further states that she is entitled for regularisation of Govt. accommodation as she had applied for permission to retain the said accommodation pending her appointment on compassionate ground.

4. On the other hand, the learned counsel for the respondents states that the applicant has no legal right to occupy the quarter, which has been allotted to her husband and the allotment has been cancelled after allowing the normal period of retention upto six months w.e.f. 2.8.1992 under the rules. Thereafter the stay of the applicant in the Govt. quarter was unauthorised. It is also stated that in the past the applicant has not filed any application in a proper form for regularisation of the quarter and that has been done only in 1997 and the same is under consideration in accordance with the rules and instructions. Since the quarter was under unauthorised occupation of the applicant, the recovery of damage has been raised against her and eviction

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proceedings were also initiated by the Estate Office under the PP Act 1971.

5. I have carefully considered the rival contention of the parties and have also perused the material placed on record. It is true that the applicant who has been offered compassionate appointment to the post of Stamp Vendor and ultimately she joined that post w.e.f. 12.6.1995 by a letter dated 19.7.1995. It is also correct that the applicant though made a request for regularisation of the quarter on compassionate ground on 18.3.1993, but the same was not found proper and was not in accordance with the rules and instructions. It is also seen, as shown in her O.A. that the applicant continues to pay the respondents the normal licence fee on account of her stay in the Govt. accommodation. It is also seen from the official documents that the applicant is not drawing HRA. In my considered view, the applicant who has been accorded compassionate appointment has been treated very harshly by way of charging market rent at exorbitant rate which comes to Rs.1,54,612.25. This Court in a decision in OA No.641/1997 dated 29.7.1997 in Arvind Tiwari vs. UOI issued directions for regularisation of Govt. accommodation and also directed payment of double the licence fee having regard to the financial condition and liability of the applicant, who is working on a Group 'D' post. It would be in the interest of justice to direct the respondents to recover from the applicant Licence Fee

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double the normal w.e.f. 1.8.1992 till the request of the applicant for regularisation of Govt. accommodation is considered in accordance with the rules and instructions. While doing so, they respondents may also consider the payment already paid by the applicant and take a final decision regarding regularisation of accommodation within four weeks from the date of receipt of a copy of this order. Till then the applicant would be allowed to stay in the Govt. quarter. It is also made clear that this decision would not be treated as a precedent. A

6. The present OA is disposed of in the aforestated terms. No costs.

S. Raju
(Shanker Raju)
Member (J)

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