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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1785 of 1999

New Delhi, this the 2nd day of January, 2000

HON'BLE MR.KULDIP SINGH, MEMBER (JUDL)

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Smt. Krishna Sachdeva,  
Widow of Late Shri D.D. Sachdeva,  
Ex-Upper Division Clerk  
Headquarters, CWE (Utilities) M.E.S.  
Ministry of Defence, Delhi Cantonment  
Resident of T-8/1, No.4, Poultry Farm  
Thimayya Marg, Delhi Cantonment  
Delhi

(7)  
-APPLICANT

(By Advocate: Shri B. Krishan)

Versus

1 Union of India, through the  
Chief Engineer, Delhi Zone, (Headquarters)  
Ministry of Defence,  
Delhi Cantt., Delhi

2. Station Commander  
Station Head Quarters,  
Delhi Cantonment, Delhi

3. The Estate Officer,  
Court of Estate Officer,  
Delhi Station, Delhi Cantt.  
Behind Sadar Bazar,  
Delhi Cantt.

-RESPONDENTS

(By Advocate: Shri A.K. Bhardwaj)

O R D E R

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant in this case has assailed the eviction and payment order dated 21.7.99 issued by the Estate Officer, Delhi Station, Delhi Cantonment, Delhi under Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (in short "PP Act"), whereby the Estate Officer had directed the applicant to vacate the Govt. accommodation. The applicant has also assailed the inordinate delay in the matter of her appointment into Govt. service on compassionate grounds.

2. Facts in brief are that the applicant's

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husband Shri D.D.Sachdeva died in harness on 30.5.97 as as per rules, she was permitted to retain the accommodation allotted to her husband for a period of one year from the date of death of her husband i.e. upto 30.5.98. The applicant states that she had submitted an application for appointment on compassionate grounds and was eligible for the same. It is further stated that the allotment in respect of the said premises was formally cancelled but in the meantime the Government had come up with a change in the rules permitting the dependents of the deceased employees to retain the accommodation for a period of two years after the death of the employee. With the change of rules, the applicant made a representation for being permitted to retain the accommodation for another one year but the same was rejected. While the applicant's representation for appointment on compassionate grounds was still under consideration, a notice under Section 4 of the PP Act was issued and the impugned order was passed.

3. The applicant also submits that her case for appointment on compassionate grounds is fully covered under the rules but due to certain complications in the policy itself, there is delay which cannot be permitted to be deterrent for the further claim of regularisation of allotment. So it is prayed that a suitable direction be issued to the respondents to give compassionate appointment to the applicant and also a direction to regularise the accommodation in the name of the applicant from the date of her appointment.

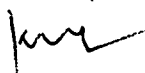
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4. Respondents have contested the petition by filing a reply. They have stated that the O.A. is misconceived and devoid of merits and, therefore, it deserves to be dismissed. It is also submitted that the applicant has no case for compassionate appointment since she had received a huge amount on account of terminal benefits after the death of her husband. It is stated that the applicant's husband had died at the fag end of his service career and only two years were left in his retirement and hence, the case of the applicant is not fit for compassionate appointment. It is further stated that the applicant is in unauthorised occupation of the Govt. accommodation and she has no right to retain the same. It is submitted that her case for appointment on compassionate grounds had already been rejected and in future also, there is no possibility of giving her appointment on compassionate grounds. It is stated that the dependents of the deceased employee are entitled to retain Govt. accommodation only for one year and thereafter, they become unauthorised occupants and the Estate Officer in the present case had rightly taken the action to issue the eviction order after following the due procedure.

5. I have heard the learned counsel for the parties and gone through the records.

6. Learned counsel for the applicant has relied upon an Office Memorandum dated 9.6.98 vide which the Government has changed its policy to allow the dependants of the deceased employees to retain the Govt. accommodation for a period of two years. However, a



condition has also been imposed that the benefit of retention of Govt. accommodation under SR-317-B-22 will be admissible in all such cases where the normal retention period of one year, as admissible under SR-317-B-11, has not expired as on 1.6.98. In case of the applicant, one year had expired on 31.5.98. So she states that the period of retention of Govt. accommodation for one year had not expired in her case and since on 1.6.98, she was in the possession of Govt. accommodation, she was also entitled to the benefit of the Policy.

7. However, to my mind, this contention of the learned counsel for the applicant has no merit because as per changed policy, the period of first year of retention of the Govt. accommodation should not have expired as on 1.6.98. The benefit of the above policy cannot be made available to the applicant because in her case, first year of retention of Govt. accommodation from the date of death of her husband had expired on 31.5.98.

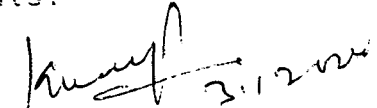
8. Learned counsel for the applicant has also relied upon an unreported order of the Hon'ble Supreme Court in W.P.(C) No.918 of 1991, Smt.Shipra Bose and ann. vs. Union of India & ann., wherein the benefit of retention of Govt. accommodation for a period of two years had been given to the applicant therein. However, from the perusal of the order, I find that this is a short judgement and it does not lay down any law and is based on facts which were peculiar to that particular case. The judgement does not lay down that in each and every case of a deceased employee, his/her dependents

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will be entitled to retain Govt. accommodation for two years where they have made an application for appointment on compassionate grounds.

9. In the present case, the applicant was allowed one year retention of Govt. accommodation as per previous SR-317-B-22. So she was entitled to retain the accommodation for the period upto 31.5.98. As far as her case for appointment on compassionate grounds is concerned, she has herself placed a letter dated 1.2.99 on record which shows that during the year 1998, she could not be offered the job which means that her case for appointment on compassionate grounds in that year had been rejected and it was kept under consideration for fresh Board of officers to fix up the merit and it shall take its own time.

10. In view of the above discussion, I am of the view that the applicant cannot be allowed to retain the Government accommodation any further. The applicant has failed to make any ground to quash the impugned order passed by the Estate Officer. In the result, the O.A. fails and is accordingly dismissed. No costs.

  
( KULDIP SINGH )  
MEMBER (JUDL)

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