

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2240/99
MA 1605/2000

New Delhi, this the 15th day of September, 2000

Hon'ble Sh. Govindan S. Tampi, Member (A)

1. KM. Kusum
D/o Sh. Krishan Lal
R/o 83, Aliganj, Lodhi Road
New Delhi - 110003
 2. Shri Kishan Lal
S/o Late Shri Ganga Ram
R/o 83, Aliganj, Lodhi Road
New Delhi - 110003
-Applicant
(By Advocate : Sh. George Paracken)

V E R S U S

1. Union of India,
(Through Secretary)
Ministry of Urban Development
and Rural Employment
 2. Director,
Directorate of Estates
Nirman Bhawan
New Delhi - 110011
-Respondents
(By Advocate : Sh. D.S.Mahendru)

O R D E R (ORAL)

By Hon'ble Sh. Govindan S. Tampi, Member (A)

The applicant in this case seeks regularisation of the quarters allotted to her father, who subsequently retired on medical grounds, in her name as she has subsequently been employed by the same employers. Applicant's father had retired on medical grounds from the post of Daftary in respondents office on 29-3-95. Her request for compassionate appointment as LDC was rejected on 19-4-96. However, after repeated requests and protracted correspondence she was appointed as LDC on 20-5-96. In her representation dated 18-6-96, she declined to take HRA as she was staying in the

accommodation allotted to her father and sought its allotment in her name. This letter or its reminder on 27-7-97 did not evoke any response, but on 9-9-99 i.e. after four years the allotment was vacated with the threat of physical eviction. She was informed on 15-9-95 that the allotment could not be regularised as she had got the appointment more than one year after her father's retirement. Though relevant orders OM No. 12029/(2)/79-Vol.II dated 8-3-79, read with OM No. 22012(7)/81-Vol dated 13-7-81 provided for ad hoc allotments for the eligible dependent of an employee retired on medical grounds within 12 months from the retirement, relaxation were permitted in 1989 and the period was extended to two years on 19-11-98, keeping in view the hardship undergone by the family. The applicant pleads that as she was well within the period of two years and as the delay in the appointment was primarily on account of the respondents, her request for regularisation of the accommodation should be granted.

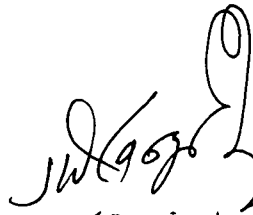
2. Respondents contest the plea raised by the applicants and state that the applicant has no case at all and that her not having got the appointment within one year and one month from the date of the retirement on medical grounds of her father, she was not entitled for the benefit of OM No. 12035/4/98-Pol.II dated 19.11.98, as it was applicable only in the case of dependents of those who dies/retired on medical grounds after 1.6.96. Her request for regularisation was correctly rejected and that thereafter she was an unauthorised occupant.

3. Arguing for the applicant on 21.8.2000 Sh. George Paracken, the learned counsel strongly urges that her case deserved extreme compassion and that the benefit of the OM dated 19.11.98 should be correctly extended to her, as the delay in the appointment was not on account of her but of the respondents.

4. Shri D.S.Mahendru, learned counsel appearing for the respondents strongly argues that the stand taken by the respondents is correct and there is no other way to deal with the case.

5. I have considered the matter and in view of the OM No. 12035/4/98-Pol.II dated 19-11-98 it is evident that the case of the applicant is squarely covered. She was given appointment on compassionate ground after one year and three months from the date of retirement of her father on invalid pension. The revised OM extends the period up to two years and, therefore, her case is covered by the revised OM of 19-11-98.

6. The application in the result succeed and is allowed with a direction to the respondents to regularise the accommodation originally occupied by her father before his invalidated pension and is occupied by her from the date of her appointment. No order for costs.


(Govindan S. Tampi)
Member (A)

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