

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 494/1999

New Delhi this the 26th day of July, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Sh. Dharmendra Kumar Aggarwal
S/O Late Shri Lallu Prasad,
R/O S-V/729, R.K.Puram,
New Delhi.

2. Smt. Krishna Devi,
W/O late Sh. Lallu Prasad,
R/O S-V/729, R.K.Puram,
New Delhi.

.. Applicants

(None for the applicants)

Versus

1. Director General,
C.P.W.D. Nirman Bhawan,
New Delhi.

2. Chief Engineer,
Public Works Department,
Govt. of NCT of Delhi,
MSO Building, I.P.Estate,
New Delhi-2

3. Director,
Directorate of Estate,
Nirman Bhawan, New Delhi-11

4. The Estate Officer,
Directorate of Estate,
Nirman Bhawan, New Delhi-11

.. Respondents

(By Advocate Sh. V.S.R. Krishna for
respondents 1-2)

(By Advocate Sh. Rajinder Nischal
for respondents 3-4)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicants are aggrieved by the action of the
respondents 1 and 2 in not implementing their letter
dated 19.5.1997 (Annexure A) and / the subsequent
order of eviction passed by respondents 3 and 4 on
15.2.1999 evicting them from the Govt. quarter No. 729,
Sector-V, R.K.Puram (Annexure B). As none has appeared

for the applicants even on the second call, I have perused the pleadings and heard Shri V.S.R.Krishna, learned counsel for the respondents 1-2 and Shri Rajinder Nischal, learned counsel for respondents 3-4.

(3)

2. The brief relevant facts of the case, as seen from the application filed by the applicants, are that on the death of the father of applicant 1, he had applied to Respondent 2 for consideration for appointment on compassionate grounds as per the Rules. They have relied on the letter dated 19.5.1997 issued by R-2 (English translation placed at pages 16-17 of the paper book). According to them, applicant 1 had reminded the concerned authorities of the CPWD, Respondents 1-2 by letter dated 17.7.1998, requesting them to allow him to join the services of LDC on compassionate grounds in pursuance of the letter dated 19.5.1997.

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His grievance is that one or the other reason the concerned officials have not allowed him to join his duty so far, in spite of his several requests and reminders.

In the meantime, he has stated that he has received from the Govt. quarter notice dated 30.9.1998 for eviction/issued by the Directorate of Estates under the same Ministry, to which he had made a representation on 10.10.1998. He has submitted that this representation has been made to the Hon'ble Minister of Urban Affairs and Employment for

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allowing them to retain their accommodation as he would also be entitled to the same type of accommodation in case he is allowed to join duty as LDC on compassionate grounds in furtherance to the aforesaid letter dated 19.5.1997. He has also submitted that when his/was placed before the Estate Officer, he had requested to him not to pass any adverse order, as his request for compassionate appointment and subsequent regularisation of the same accommodation is under consideration by Respondents 1-2. In the circumstances, the main prayer of the applicant is for a direction to respondents 1-2 to allow applicant 1 to join duty as LDC on the basis of the sanction for appointment on compassionate grounds/has already/issued in his favour by order dated 19.5.1997. Consequently, he has also prayed for quashing and setting aside the impugned eviction order dated 15.2.1999 issued by respondents 3-4.

3. It is seen from the records that respondents 1-2 have not filed any reply to the OA in spite of several opportunities having been granted to them. However, the reply on behalf of respondents 3-4 is on record.

According to them, after the expiry of/permissible the quarter for retention period of/two years which expired on 24.8.98, the applicants have to be considered as unauthorised

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(A)

and illegal occupants of the quarter, as he had not joined the Govt. service within this period of two years. Therefore, Shri Rajinder Nischal, learned counsel has submitted that the actions taken by respondents 3-4 are in accordance with the Rules.

4. After consideration of the pleadings and the submissions made by the learned counsel for the parties, in view of the letter on the subject of appointment of applicant 1 on compassionate grounds issued by Respondent 2 dated 19.5.97, I find merit in the present application. From the facts mentioned above, it appears that after Respondent 2 has issued the aforesaid letter as far back as May, 1997 nothing seems to have progressed thereafter, taken and no further action has been/ by respondents 1-2. It is also seen that the applicant has represented to them ^{the 1/2} praying for issue of appointment order and it cannot, therefore, be stated that he has not joined the post of LDC in time, which has been decided to be offered to him by letter dated 19.5.97. It is also relevant to note that this offer of appointment has been given to the applicant within one year of the death of his father, Sh. Lallu Prasad, Wireman on 24.8.1996. Respondents 3-4 have also stated that the family of the deceased employee could have retained the Govt. quarter for a period of two years i.e. upto 24.6.1998, within which time ^{the} necessary action should have been taken

B.

by respondents 1-2 following their own decision conveyed to the applicant on 19.5.1997.

5. For the reasons given above, OA succeeds and is allowed with the following directions:-

(i) Respondents 1-2 shall take a final decision with regard to the offer of appointment to the applicant in the post of LDC on compassionate grounds as done in their letter dated 19.5.97, within one month from the date of receipt of a copy of this order, with intimation to the applicant and Respondents 3-4.

(ii) In the above circumstances, the impugned eviction Order dated 15.2.99 issued by respondents 3-4 is quashed and set aside leaving it open to them to take necessary action, in accordance with law and Rules after receiving communication from Respondents 1-2 for regularisation of the quarter in the name of applicant No.1.

No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)