

Central Administrative Tribunal
Principal Bench

O.A.No.1991/98
M.A.No.446/98

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 5th day of May, 1999

Ms.Kanta Devi
w/o late B.K.Gupta
r/o 2-F, Press Road Minto Road
New Delhi. ... Applicant

(By Mr.Abhjeet Chatterjee, proxy of Mrs.Sarla Chandra,
Advocate)

Vs.

1. Union of India, through
Director of Printing Wing
Nirman Bhawan
New Delhi.
2. Assistant Manager (Admn.)
Govt. of India Press,
Minto Road
New Delhi. ... Respondents

(By Shri Rajinder Nischal, Advocate)

O R D E R (Oral)

The applicant's husband, who was working as an Binding Assistant in the office of Respondent No.2, i.e., Government of India Press, Minto Road, expired on 23.4.1986 while still in service. During his employment, he was allotted Type-I quarter No.2, Press Road, New Delhi. The applicant thereafter applied for compassionate appointment with the respondents but since her representation did not meet with a favourable response she came before this Tribunal in OA No.1109/90. The same was disposed of by an order dated 6.9.1991 with the following directions.

"We therefore, remit the case to the respondents for their further consideration in the light of the observations made herein above. The case of the applicant should also be considered afresh along with other cases and an appropriate decision be taken in the matter within a period of four months from the date of communication of this order. In the meanwhile, we direct the applicant shall not be dispossessed of the Govt.

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-2-

accommodation in her possession and that she would be liable to pay only the normal Licence Fee from the date of death of her husband till the Respondents take a decision in her case, as directed above."

2. The applicant has since been given compassionate appointment by the respondents by order dated 22.4.1997. Her grievance however is that the respondents have demanded the damage rent, on account of unauthorised occupation of the quarter which was originally allotted to her late husband, amounting to Rs.91538/-. She submits that respondents themselves had delayed the compassionate appointment which was given to her only after she had approached this Tribunal for relief. Therefore according to her, she is not liable for the payment of the damage rent. More particularly, since the respondents accepted the normal rent from her until 1991.

3. The respondents submit that since the applicant did not obtain compassionate appointment within the stipulated period of one year, she was not entitled to continue in the premises and is therefore liable to pay damage rent.

4. I have considered the case carefully. It is not denied by the respondents that they took no action to get the quarter vacated till 1996. They also accepted the normal rent from the applicant till 1991. The applicant filed an OA before this Tribunal in 1990. The same was disposed of by the order dated 6.9.1991. As the operative part of the order reproduced above shows the respondents had been asked to reconsider the case of the applicant for appointment on compassionate ground^{with} the further stipulation that they would not take any action to evict the applicant from the premises and she would be

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12

- 3 -

liable to pay only normal licence fee from the date of her husband's death till the respondents take a decision in her case as directed above. Admittedly the decision to give an appointment on compassionate ground to the applicant was taken on 22.4.1997.

13

7. In the facts and circumstances of the case and in accordance with the directions of this Tribunal in OA 1109/90, the applicant is liable to pay only normal rent till 22.4.1997. The OA is accordingly partly allowed. The respondents will charge only the normal rent from the applicant upto 22.4.1997. She will however be liable to pay damage rent from the date of her compassionate appointment onwards till the actual date of vacation of the quarter. No costs.

R. K. Ahooja
(R. K. Ahooja)
Member (A)

/rao/