

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 74 of 1998

New Delhi, this the 17th day of March, 1998

Hon'ble Mr. N. Sahu, Member(Admnv)

(6)

Sh. Rita Devi, W/o Late ASI
(Drv) (3449/D), Ram Dev Mishra,
R/O Quarter No. Q-4/1, Police
Flats, Police Station, Model
Town, Delhi - 110 009.

- APPLICANT

(By Advocate Sh. R P Aggarwal)

Versus

1. The Lieutenant Governor,
through the Chief
Secretary, Govt. of NCT
of Delhi, 5, Sham Nath
Marg, Delhi - 110 054.

2. The Commissioner of
Police, Police
Headquarters, Delhi - 110
002.

- RESPONDENTS.

(By Advocate -Sh. Raj Singh)

O R D E R (O R A L)

By Mr. N. Sahu, Member(Admnv) -

The main prayer, in this Original Application is to direct the respondents to provide compassionate employment to the son of the applicant, Sh. Vinay Kumar in a suitable post. The interim prayer is that the applicant be allowed to continue in the Govt. accommodation which is allotted to her husband. The ground for the claims is that the action of the respondents in denying the compassionate appointment is not in conformity with the law laid down by the Hon'ble Supreme Court. It appears that the applicant was assured by the respondents vide letters dated 1.11.1993 and 18.11.1993, Annexures A-4 & A-5 that his son would be considered for compassionate appointment as and when he

V. Sahu

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attained the age of magority. Thereafter there was a physical fitness test and he was found fit. He was also medically examined and was found fit. Police verification was also done. Without any justifiable grounds the applicant's case was ultimately rejected by an Order dated 4.8.1997. Further, his representation to the Commissioner of Police against the order dated 4.8.1997 has also been rejected vide letter dated 11.11.1997, Annexure A-2. At the time of hearing, the learned counsel for the applicant has placed on record a copy of the order dated 2.2.1998 passed by the Lt. Governor as conveyed by his Special Secretary, addressed to Principal Secretary (Home), Govt. of NCT, Delhi. The operative para 2 states that the Hon'ble Lt. Governor approved "the appointment of Sh. Vinay Kumar Mishra son of late ASI Ram Dev Mishra No. 3449/D for the post of Constable (Ex.) in Delhi Police on compassionate grounds immediately".

2. Learned counsel for the applicant states that till now no order for appointment has been received by the applicant. I have heard Sri Raj Singh, learned counsel for the respondents. After hearing both the counsel, I hold that this OA can be disposed of by giving a simple direction to respondent No. 2, Commissioner of Police, Police Headquarters, Delhi - 110 002.

3. Respondent No. 2, is hereby directed to issue the appointment order as per orders of the Lt. Governor, referred to above, within a period of 4 weeks from the date of receipt of a copy of this order. As this is a

case of compassionate appointment and as the Lt. Governor has also directed immediate compliance to the order, this time frame shall be adhered to.

4. As regards the retention of the quarter, this is already covered by the orders of the Dy. Commissioner of Police, Delhi dated 17.12.97, Annexure R-5. The Police administration has already permitted the family of Late Ram Dev to retain the Govt. quarter No. Q/481, Type II, New Delhi upto 28.2.1998 on advance payment of licence fee @ Rs. 1462/- per month. The learned counsel for the respondents submits that the applicant has not complied with the payment of licence fee at the rate stipulated in that order. It is not possible, in this OA, to examine or to give any specific direction regarding the retention of the quarter. It will be sufficient to observe that the respondents shall examine afresh the applicant's eligibility to retain the quarter in accordance with the rules and guidelines on the subject now ~~when~~ that the Lt. Governor has approved his claim for compassionate appointment.

5. The OA is disposed of as above. No costs.

Narasimha L
(N SAHU)
MEMBER (A)

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