

Central Administrative Tribunal
Principal Bench, New Delhi

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O.A. No. 184/95

New Delhi, this the 10th Day of July, 1995

Hon'ble Shri J.P. Sharma, Member (J)

Shri Jagat Singh,
S/o Late Shri Beg Ram,
3-410, Srinivas Puri,
New Delhi.

... ..Applicant

(By Shri D.R. Gupta, Advocate)

Versus

Union of India through:

1. Director of Estates,
Nirman Bhawan,
New Delhi.
2. Secretary,
Government of India,
Ministry of Civil Supplies,
Consumer Affairs & Public Distribution,
Krishi Bhawan,
New Delhi.

... Respondents

(By Shri B.Lall, Advocate)

ORDER (ORAL)

Mr. J.P. Sharma, Member (J)

The petitioner/applicant is the son of late Shri Beg Ram who was serving in the Ministry of Civil Supplies, Consumer Affairs & Public Distribution in Delhi. During the course of the service, he was duly allotted the quarter

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bearing No. G-410, Sriniwaspuri, New Delhi. However, Shri Beg Ram died in harness on 29th April, 1990. Under the compassionate appointment D.O. of Min. of Personnel dated 30/6/1987, the applicant as surviving representative of the deceased employee, applied for assistance in appointment on compassionate grounds. It is not disputed that the applicant was offered initially ad-hoc appointment w.e.f. 20.1.1993. However, his petition for regularisation of the quarter or allotment of eligible type of quarter from the same pool has not yet been disposed of by the respondents though the applicant alongwith his family continues to remain in the occupation of the said quarter. The applicant, therefore, filed this application for a number of reliefs impugning the order of eviction passed by the respondents i.e. Director of Estates on 9th October, 1994 and 13th Jan., 1995. He has also prayed that the appointment offered to him initially on ad-hoc basis be deemed to be regular appointment as a Peon and also to regularise the accommodation or make allotment of government accommodation in lieu of the accommodation in his possession which he was sharing with his father.

The respondents contested this application admitting the fact that the deceased Beg Ram died in harness at the age of 56 years 9 months on 29th April, 1990. On normal course one year period is allowed to the family of the deceased employee and the family should have vacated the quarter on 29th April, 1991. In view of this,

an eviction order was passed against the family. The applicant has also filed the rejoinder.

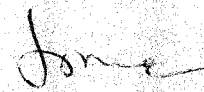
Heard the learned counsel, Shri D.R. Gupta for the applicant and Shri B. Lall counsel for the respondents. The learned counsel for the respondents has not disputed the pool accommodation which can be allotted to the applicant on his appointment on compassionate ground to Group 'D' post. The deceased employee was also allotted from the same pool i.e. general pool quarter No. G-410, Srinivas Puri, New Delhi but that was Type-II quarter as per eligibility of the deceased employee at the time of allotment. However, the applicant Jagat Singh has been provided with job which falls in Group 'D' or class-IV post and is entitled to only type-I quarter. The appointment of Shri Jagat Singh on compassionate grounds will entitle him to allotment of eligible type of quarter though his initial appointment may be categorised as ad-hoc which was offered to him on 20/1/1993.

Learned counsel for the parties agree that the case of the applicant is being considered for allotment of eligible type of quarter to Shri Jagat Singh i.e. applicant and that the dependency of this case has been the hurdle in taking the decision earlier by them. Learned counsel for the respondents Shri B. Lall conceded this proposition.

In view of the facts and circumstances explained above,

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the respondents shall consider the case of the applicant as per relevant circulars of DOP&T and any subsequent circulars issued on the point. The respondents, till they consider the representation of the applicant as per rules, the impugned order of eviction shall not be carried out. In case the request of the applicant is considered favourably the order of eviction would stand modified as directed by Directorate of Estates. The applicant, however, shall be bound to pay the licence fee as per rules from the date of retention of the quarter of the deceased one year after his death i.e. from April, 1991 till the date of regularisation or allotment of an alternative eligible accommodation to which he shall shift within seven days of allotment and thereafter he will be governed by the normal rules of Licence Fee. If the applicant feels still aggrieved by a decision to be arrived at on the representation of the applicant, he shall be free to assail the same. The case is disposed of accordingly with cost on parties.


(J.P. SHARMA)
MEMBER(J)

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