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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. 1151/96

This the 15th day of November, 1996.

HON'BLE SHRI R.K. AHOOJA, MEMBER(A)

Shri Kan Singh
S/o Late Sh. Dalip Singh
R/o F-210, Kasturba Nagar,
New Delhi.
(By Advocate Sh. J, Banerjee)

..... Applicant.

Versus

Union of India
Through the Secretary
Ministry of Urban Development
Nirman BhNhavan,
New Delhi.
(By Advodate Shri B.Lall)

..... Respondents.

ORDER(Oral)

The applicant's father who was working as Peon in the office of the National Sample Survey Organisation, expired on 20.4.93. The applicant made a request for compassionate appointment to the respondents immediately after the death of his father. Thereafter, the applicant was given compassionate appointment w.e.f. 3.4.95. The applicant also applied for regularisation of the Govt. quarter allotted to his late father. This request was not acceded to by the respondent and instead, vide Annexure A-1, order of eviction was passed by the respondent No.2 on 16.5.96. The applicant has sought the quashing of eviction order and direction to the respondents

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to regularise the allotment in his favour. The applicant submits that the respondents have passed the impugned order in a mechanical manner without affording him the due opportunity for hearing.

2. The respondents have stated in their reply^{there} since the applicant could not get employment within the stipulated period of 12 months, his case for regularisation of the quarter in his name was rejected. Thereafter the impugned eviction order was passed on 8.5.96.

3. I have heard the Ld. counsels on both sides. In a recent order passed by this Tribunal in DA-408/96 and allied cases on similar issue regarding regularisation of allotment where the compassionate appointment had been secured after 12 months, it has been held that 'it will be in the fitness of things to order the respondents to consider regularisation of the quarter in the case of the applicants who do not strictly fall within the provisions of the O.P. dated 13.4.89 by further relaxing the allotment rules under SR 317-8-25'. On that basis the claim of the applicant was rejected by the Division Bench.

4. I am in respectful agreement with the conclusion of the Division Bench. Applying the ratio of the decision of the Division Bench, the present O.A. is also dismissed. The applicant is directed to hand over the vacant possession

Dr.

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of the quarter occupied by him within a period of
30 days. No order as to costs.

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(R.K. AHOOJA)
M(A)

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