

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A. NO. 1307/96

(8)
HON. SHRI P.K. AHOOJA, MEMBER (A)

New Delhi, this 14th day of November 1996.

Shri Birender Kumar Rawat
s/o Lt. Shri Ranbir Singh Rawat
working as Peon under office of
Assistant Controller of Stationary
Regional Stationary Depot,
Netaji Nagar
NEW DELHI

and resident of
Sector II, 191
R.K. Puram,
NEW DELHI.

...Applicant

(In person)

VS!

1. The Director of Estates
Directorate of Estates
4th Floor, Nirman Bhawan
'C' Wing
New Delhi.

2. The Estate Officer
Directorate of Estates
4th floor, B Wing
Nirman Bhawan
NEW DELHI. ...Respondents

'By Advocate Mrs. Pratima K. Gupta'

ORDER (ORAL)

The applicant's father who was an allottee
of house No.191, Sector II, R.K. Puram, New Delhi,
and was working as a Packer in Regional Stationary
Depot, Netaji Nagar, expired on 2.6.1990. The applicant
thereafter applied for compassionate appointment on
22.6.90, but since no decision on his request was taken,

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(9)

he approached this Tribunal vide OA 1739/1994. Vide its order dated 4.4.1995, the Tribunal directed the respondents to consider the claim of the applicant. Thereafter the respondents offered appointment to the post of Peon to the applicant, vide annexure A-7 and the applicant joined service in the Regional Stationary Depot, Netaji Nagar, on 15.9.95. He submits that he gave his application for regularisation of the premises allotted to his father and in the prescribed form as per Annexure A-9. However, his application for regularisation was rejected by the respondents vide letter dated 6/2/96, at Annexure A-2. The applicant is aggrieved that even though the delay in compassionate appointment was entirely on account of the respondents, his request for regularisation of the premises allotted to his late father has been rejected without assigning any reason. Thereafter, the respondent No.2, the Estate Officer, has also issued an Eviction Order dated 26.4.96 even though the applicant had explained the position before respondent No.2. He has now approached the Tribunal in the present OA seeking directions to the respondents to regularise the allotment of the said quarter to him..

2. The respondents in the reply have submitted that the quarter allotted to the late father of the applicant could not be regularised as the compassionate appointment was secured after the prescribed period of 12 months. Due opportunity was afforded to the applicant to be heard by the Estate Officer before

On

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the impugned eviction orders were passed. The respondents submit that the applicant has no case.

3. I have heard the learned counsel for the respondents, Mrs. P.K. Gupta, today. Unfortunately, Shri B. Krishan, 1d. counsel for the applicant, was not present and hence his assistance could not be taken. The learned counsel for the respondents submits that in OA No.408/96 and other related OAs by a Division Bench, this Tribunal in its order dated 4.11.96 has held that wherever compassionate appointment of the ward has taken place after 12 months of the death of the employee and after the expiry of the period of one month thereafter allowed, under the orders of the Minister incharge, no relief can be afforded by issuing a direction to respondents to regularise the appointment. In this order, the Division Bench has relied on the case of S.S. Tiwari Vs. Union of India & ors. (Writ Petition (Civil) No.585 of 1994)

4. I am in respectful agreement with the conclusions of the Division Bench in the aforesaid case. The facts of the present case are also squarely covered by the aforesaid judgement in OA 408/96 and allied cases. Since the compassionate appointment of the applicant has taken place well after 12 months, in fact nearly five years, of the death of his father,

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DR

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there is no ground for regularisation of the allotment of the premises to the applicant.

In view of the above position, the OA is dismissed. No order as to costs.

R.K. Ahuja
(R.K. AHOOJA)
MEMBER (A)

/AVI/