

Central Administrative Tribunal  
Principal Bench.

O.A. 1364/96

(7)

New Delhi this the 4th day of October, 1996.

**Hon'ble Smt. Lakshmi Swaminathan, Member(J).**

Smt. Sushila,  
wife of late Shri Ashok Kumar,  
R/o Qr. No. 897, Sector-VII,  
R.K. Puram,  
New Delhi.

...Petitioner.

By Advocate Shri S.C. <sup>Versus</sup> Saxena.

Versus

1. Secretary,  
Ministry of Urban Development,  
Govt. of India, Nirman Bhawan,  
New Delhi.
2. Secretary,  
Ministry of Parliamentary Affairs,  
Govt. of India, Parliament House,  
New Delhi.
3. Director of Estate,  
Estate Office, Govt. of India,  
Nirman Bhawan,  
New Delhi.

...Respondents.

By Advocate Shri B. Lall.

O R D E R

**Hon'ble Smt. Lakshmi Swaminathan, Member(J).**

The applicant who is the widow of late Shri Ashok Kumar, Peon, who died on 3.4.1993, was appointed on compassionate ground on 6.10.1995. The short prayer in this case is that Respondent 3, i.e. The Director of Estate, should take a lenient view in the matter and to allow her to retain the Qr. No. 897, Sector-VII, R.K. Puram, New Delhi which should be regularised in her name which was allowed to her late husband. The respondents have cancelled

(2)

(8)

the allotment of the quarter w.e.f. 3.4.1994 in accordance with the extant rules i.e. one year after the death of the husband. The respondents in their reply have submitted that the applicant's request is not covered <sup>under the rules.</sup> Further, Shri B. Lall, learned counsel for the respondents, has relied on a recent judgement in the case of Shiv Sagar Tiwari Vs. Union of India & Ors. (W.P. (C) 585/94) in which it has been held that those who get employment after 12 months from the death of <sup>the</sup> near relative are not entitled to regularisation of the quarter in their name. The learned counsel for the applicant has relied on the judgement of the Tribunal in Mrs. Sitabi Devi & Anr. Vs. Union of India & Ors. (O.A. 2139/95), decided on 12.4.1996 and the respondents' counsel has/relied on a later judgement in Johnson Takri & Anr. Vs. Union of India & Ors. (O.A. 1146/96), decided on 11.9.1996.

2. I have heard the learned counsel for both the parties and perused the records.

3. In the facts and circumstances of the case and having regard to the judgement of the Hon'ble Supreme Court in Shiv Sagar Tiwari's case (supra) which has been dealt with in the judgement in Johnson Takri's case (supra), this application fails. The respondents cannot be stated to have acted either <sup>in an</sup> arbitrary or contrary to the rules and there is, therefore, no justification for interference in this matter.

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4. This application is accordingly dismissed.  
No order as to costs.

Lakshmi Swaminathan  
(Smt. Lakshmi Swaminathan)  
Member (J)

'SRD'