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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2099/96

Date of decision 14.1.1997

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

Ms. Kanta Devi
w/o late B.K. Gupta,
r/o 2-F, Press Road Minto Road,
New Delhi.

... Applicant

(By Advocate Mrs Sarla Chandra)

Vs.

1. Union of India, through
Director of Printing, Wing,
Nirman Bhawan, New Delhi.
2. Assistant Manager (Admn.)
Govt. of India Press, Minto Road,
New Delhi.

.... Respondents

(By Advocate Shri R.V. Sinha)

O R D E R (ORAL)

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

Heard the learned counsel for both the parties and
perused the records.

2. The grievance of the applicant is against the show cause
notice issued by Respondent 2 dated 18.9.96 and the office Memo-
randum dated 16.9.96 for recovery of normal licence fee and
damage charges for occupation of quarter No. 2-F, Press Road, Minto
Road, New Delhi for the period from 13.4.86 to 31.8.96.

3. The Tribunal by order dated 9.10.96 had directed the
respondents to maintain status quo in respect of the aforesaid
accommodation which order has been continued from time to
time.

4. The brief facts of the case are that the applicant is the
widow of late Shri Bishan Kumar, who was working with the res-
pondents as Binding Assistant and died in harness on 13.4.86.
The applicant had thereafter claimed compassionate appointment.
The applicant had filed O.A 1109/90 in which the following
directions were given by the order dated 6.9.91 :-

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"We, therefore remit the case to the respondents for their further consideration in the light of the observations made hereinabove. The case of the applicant should also be considered afresh alongwith other case and an appropriate decision be taken in the matter within a period of 4 months from the date of communication of this order. In the meanwhile we direct that the applicant shall not be dispossessed of the Government accommodation in her possession and that she would be liable to pay only the normal licence fee from the date of death of her husband till the respondents take a decision in her case as directed above."

5. In the CCP 242/92 filed in OA 1109/90 while dismissing the contempt petition, the Tribunal had observed that the petitioner's name was found at sl.No.38 in the list of persons considered for compassionate appointment, and the contempt proceedings were therefore, dropped. Mr. Chandra, learned counsel for the applicant has submitted at the Bar that the applicant has since been recently appointed in the Govt. on compassionate grounds.

6. The respondents have filed their reply in which they have submitted that the applicant is not entitled for regularisation of the accommodation as per ^{the} allotment rules as well as the recent decision of the Tribunal in the case of M.K.Mishra & Ors v. Dte. of Estates and Ors. (OA 408/96) decided on 4.11.1996. Therefore, they have submitted that the applicant is liable to vacate the quarter and also pay penal rent/damage rent for unauthorised occupation of the accommodation during the period she or other member^{18.} of the family of the deceased Govt. servant was not in Govt. service, beyond the period of stay as admissible under the rules.

7. In the facts and circumstances of the case and with the consent of both the parties, this O.A. is disposed of with the following directions at the admission stage:-

In pursuance of the show cause notice issued by Respondent 2 dated 18.9.96 and the office Memo. dated 16.9.96, the applicant ^{may} make a detailed representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. Respondents shall thereafter consider the representation and pass a detailed and speaking order thereon taking into

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account the decision of the Tribunal in M.K.Mishra's case (supra) within a period of two weeks from the date of receipt of representation. The interim order is vacated.

No order as to costs.

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

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