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Central Administrative Tribunal  
Principal Bench.

O.A. 2209/96

New Delhi this the 16th day of October, 1996

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

Shri Neeraj Kumar,  
S/o Late Shri Ram Kumar,  
R/o K-137, Clive Square,  
Rama Krishna Marg,

...Applicant.

New Delhi.

By Advocate Shri S.C. Saxena.

Versus

1. Union of India, through  
Director General,  
Directorate of Printing,  
Govt. of India 'B' Wing,  
Nirman Bhawan,  
New Delhi.

2. The Assistant Director (A-III),  
Government of India,  
Directorate of Printing,  
'B' Wing, Nirman Bhawan,  
New Delhi.

3. The General Manager,  
Government of India Press,  
Minto Road,  
New Delhi.

... Respondents.

O R D E R

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

The applicant has filed this application under Section 19 of the Administrative Tribunals Act being aggrieved by the order dated 30.9.1996 (Annexure-I). This is the second round of litigation after O.A. 21/96, which was disposed of by order dated 1.5.1996, wherein the respondents have been directed to consider the application submitted by the applicant and pass a suitable speaking order thereon within a period of three months. In this case, the applicant has

13.

submitted that he is aggrieved by the fact that the respondents have not passed such a speaking order but have instead passed the impugned order dated 30.9.1996. In para 1 of the O.A. he has, therefore, submitted that being aggrieved by the aforesaid order, the applicant has once again moved the Original Application for appointment on compassionate grounds to the applicant and for setting aside the order of Respondent No. 3 dated 30.9.1996.

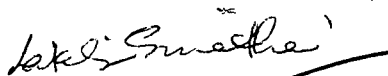
2. From the above averments/admissions of the applicant, it is evident that the applicant has once again filed a similar application against the same respondents for remedy which he has already exhausted by filing O.A. 21/96, namely, that he should be considered for compassionate appointment in accordance with the extant rules/instructions. In view of these facts, this O.A. is barred by the principles of res judicata and is, therefore, liable to be dismissed on this ground alone.

3. The applicant has stated that the father had died in office on 30.6.1992 and thereafter his mother had also died on 23.1.1995 without having been appointed on compassionate grounds. There is no doubt that the condition of the applicant, his brother and sisters is to be sympathised, but that by itself will not give a legal, enforceable right to continue to stay in Quarter No. K-137, Clive Square, New Delhi which was the quarter allotted to the father while he was in service. The impugned order dated 30.9.1996 has asked the applicant to deposit the damage charges

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in respect of the house for the period <sup>from 15.</sup> 1.8.1994 to 30.9.1996 ~~and also~~ to vacate the quarter. Apparently, the applicant has not made any representation to the respondents against this order before rushing to file this O.A. One of the reliefs <sup>sought</sup> ~~now~~ is for waiving the damage rent of Rs.30,420/- as demanded in this order. Since admittedly neither the applicant nor any other dependent of the deceased Govt. employee is in Government service, the question of regularisation of the quarter at this stage will not arise. For the over stay in the quarter beyond the permissible period as allowed under the relevant rule 317-B-11, the respondents are entitled to recover the rent, including damage rent in accordance with law.

4. For the reasons given above, I find no merit in this application as the applicant has failed to establish any enforceable right. Apart from this, he has not exhausted the departmental remedy available to him. In the circumstances, the application being devoid of merits is dismissed at the admission stage itself. No order as to costs.

  
(Smt. Lakshmi Swaminathan)  
Member(J)

'SRD'