

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(15)

O.A. No. 425/96

Date of decision 3-12-1996

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

1. Pramod Kumar s/o Sh.(Late)Braham Singh
2. Smt. Charno Devi wd/o Late Sh.Braham Singh,
B/o Qr.No.688, Sector-1, R.K.Puram,
New Delhi.

... Applicants

(By Advocate Shri Yogesh Sharma)

Vs.

1. Union of India through the Secretary
Ministry of Science & Technology,
Dept. of Metrology, Govt. of India,
Mausam Bhawan, New Delhi.
2. The Director General of Meteorology,
Govt. of India, Mausam Bhawan, Lodi Road,
New Delhi.
3. The Estate Officer,
Directorate of Estates,
Nirman Bhawan, New Delhi.

... Respondents

(By Advocate Shri Madhav Panikar through
proxy counsel Shri J. Banerjee)

O R D E R (ORAL)

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

The grievance of the applicants in this case is against the order passed by the respondents dated 14.2.1996 directing them to vacate the premises occupied by them i.e. quarter No. 688, Sector-I, R.K.Puram, New Delhi. This accommodation had been allotted to the applicant's father during his service period who has ^{sive 18} expired on 5.2.1992. In this order, it has been mentioned that as per rules, the allotment of the quarter, therefore, stands cancelled w.e.f. 5.2.1993. However, the family of the deceased employee has continued to reside in that quarter.

2. By the interim order dated 27.2.1996, the Tribunal had restrained the respondents from dispossessing the applicant from the aforesaid quarter which has been continuing till date.

3. The main contention of Shri Yogesh Sharma, learned counsel for the applicant is that after the death of the father, the applicant, the son, has been appointed on compassionate grounds on 8.4.1993. He further submits that even though the appointment was beyond the period of 12 months after the death of the father, at that time the respondents had regularised allotment of the quarter in the name of the dependents of the deceased employee. He further submits that as per the respondents' reply itself, it can be seen that the then Minister of Urban Development had condoned the delay of one year, but regularisation could not be given effect to for want of clearance of dues, which has been subsequently done vide receipt dated 3.8.96 and 19.9.95. Another submission made by the learned counsel for the applicant is that no order has been passed by the respondents on the representation made by the applicant dated 17.6.93 for regularisation of the quarter in his name on ad hoc basis.

4. The respondents have filed their reply and I have also heard Shri J. Banerjee, learned proxy counsel for the respondents. He submits that in the light of the judgment of the Hon'ble Supreme Court in the recent case of Shiv Sagar Tiwari Vs. Union of India and Ors (Writ Petition(Civil) No.585 of 1994) which has been followed by the Division Bench of the Tribunal in Manoj Kumar Mishra Vs. U.O.I & Ors(OA No.408/96 together with connected cases) decided on 4.11.1996, since admittedly the applicant had not secured appointment on compassionate grounds within a period of 12 months, as required under the rules, he is not entitled for regularisation of the quarter, in question. He has also submitted that even though the then Minister for Urban Development had condoned the delay, in view of the judgment of the Supreme Court it was not possible to accede to the request of the applicant for regularisation of the quarter contrary to the provision of rules.

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5. The facts in this case are not disputed. The applicant has not been appointed on compassionate grounds after the death of the father within a period of 12 months as prescribed under the relevant instructions, C.M. dated 13.4.89, ~~from 13.4.89 to 12 months~~. The stand taken by the respondent in this case cannot, therefore, be faulted as being either arbitrary, unreasonable or contrary to the rules. Merely because the then Minister had condoned the delay does not entitle the applicant to have the quarter regularised in his name, contrary to the rules, in particular, having regard to the judgment/order passed by the Supreme Court in Shiv Sagar Tiwari's case(*supra*) which has been followed by the Tribunal in Manoj Kumar Mishra's case(*Supra*). In this view of the matter, I find no merit in this case. The application is, therefore, dismissed. Interim order dated 27.2.1996 stands vacated. No order as to costs.

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

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