

Central Administrative Tribunal  
Principal Bench, New Delhi.

OA-475/96

New Delhi this the 7th day of June, 1996.

Hon'ble Sh. B. K. Singh, Member (A)

Sh. Prem Singh Mehra,  
S/o late Sh. Mohan Singh Mehra,  
R/o Flat No. 1854, Laxmi Bai Nagar,  
New Delhi.

Applicant

(through Sh. A. K. Bhardwaj, advocate)

versus

1. Union of India  
through the Secretary,  
Ministry of Defence,  
Central Secretariate,  
South Block,  
New Delhi.
2. The Director,  
Directorate of Estate,  
Nirman Bhawan,  
New Delhi-11.
3. The Estate Officer/Asstt.  
Director of Estates,  
Directorate of Estates,  
Nirman Bhawan, New Delhi.
4. Asstt. Director of Civilian Personnel  
Naval Head Quarters,  
New Delhi-11.

Respondents

(through Sh. M. K. Gupta, advocate)

ORDER (ORAL)  
delivered by Hon'ble Sh. B. K. Singh, Member (A)

The present application has been filed against  
Order No. EC/739/ADM/Lit/95/T-II dt. 16.2.1996.

The admitted facts of the case are that the  
applicant's father was serving in Naval Headquarters

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Delhi as a U.O.C. and he died on 16.10.1993 in harness. The case of the applicant was duly recommended for compassionate appointment. As per entitlement, he was given the compassionate appointment and he joined as Asstt. Store Keeper on 15.12.1994. The Govt. circular issued from time to time envisages that if the compassionate appointment is given within a period of one year from the date of death, the house as per entitlement of the ward will be regularised in his name.

It is not disputed by the parties that the applicant who is working as Asstt. Store Keeper is entitled to the same type of accommodation which was allotted to his father. There has been slight delay in granting the compassionate appointment which was due immediately after the death of the father. The case was strongly recommended for compassionate appointment and if there was some delay, it was not on account of the applicant but was on the part of the administration itself. Therefore, the applicant cannot be blamed for joining on 15.12.1994 in pursuance of the offer of appointment given to him on 16.10.1994 because in between he was to be medically examined and after completion of all the formalities he was allowed to join on 15.12.1994.



The reliefs prayed for in the Q. A. are :-

- (a) to quash the impugned order dt. 16.2.96;
- (b) to restrain the respondents from evicting the applicant from the quarter No. 1854 Laxmi Bai Nagar, New Delhi and to direct the respondents to not make any recovery from the applicant in pursuant to order dt. 8.12.95; &
- (c) to mandate the respondents to regularise the Govt. quarter No. 1854, Laxmi Bai Nagar, New Delhi in the name of the applicant.

On notice the respondents filed their reply contesting the application and grant of reliefs prayed for.

Heard the learned counsel for the parties and perused the record of the case.

The facts as stated above are not disputed. The applicant was granted compassionate appointment not within one year but exceeding one year and the delay was not on his part but was squarely on the part of the administration itself. There was no difficulty in regularising the quarter if the compassionate appointment could have been granted within a year. The Hon'ble Supreme Court have laid down a law in case of Umesh Kumar Nagpal Vs. State of Haryana (JT 1994(3) SC 525) that if the Ministry/Department/Competent Authority is satisfied that it is a genuine case and the ward deserves a compassionate appointment, it should be done immediately. There is no dispute that the respondents were convinced about the genuineness of the claim and <sup>from 1st to 2nd</sup> even ~~beyond~~ a year.

The Hon'ble Supreme Court and the Tribunal in a categ

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of judgements have held that if the ward is eligible for regularisation of the quarter and if there is some delay, the same should be ignored if the compassionate appointment is granted. In case of Phoolwati Vs. UOI (AIR 1991 SC 469) & Shipra Bose & Anr. Vs. UOI etc., the Hon'ble Supreme Court have held the view that if a ward is appointed on compassionate basis and is eligible for regularisation of the quarter as per his entitlement, the same should be regularised. In case of Smt. Pushpa Aggarwal Vs. UOI & Ors. 1(1993) 65 (CAT)3 (P3) decided by the Principal Bench comprising/Justice V.S. Malihabadi and Hon'ble P.C. Jain the ratio of these judgements have been followed. The same view has been followed in case of Pinki Rani Vs. UOI (1987(2)ATLT P.301).

In view of the above judgements of the Hon'ble Supreme Court and Central Administrative Tribunal, it is directed that the quarter in occupation of the applicant should be regularised in the name of the applicant on payment of normal licence fee for one year and on payment of market rent for the period exceeding one year to the date of regularisation. Thus, the application is partly allowed and disposed of on the lines as indicated above. In the circumstances, there will be no order as to costs.

  
(B.K. Singh)  
M(A)

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