

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

HON. SHRI R.K. AHOOJA, MEMBER (A)

OA NO.1949/1997

NEW DELHI, THIS 11 DAY OF OCTOBER, 1997.

1. Smt. Rajbala
Wd./o late Shri Nand Lal
H-22, P.S. Rajender Nagar,
New Delhi

APPLICANT

(By Advocate - Shri Shankar Raju)

VERSUS

1. UNION OF INDIA, through
Its Secretary
Ministry of Home Affairs
North Block, New Delhi

2. Commissioner of Police
Police Head Quarters
IP Estate, new Delhi

3. Deputy Commissioner of Police
HQ (III), Police Head Quarters
MSO Building, IP Estate
New Delhi.

...RESPONDENTS

(By Advocate - Shri Raj Singh)

ORDER

The applicant is a widow of Constable Nand Lal who was employed in Delhi Police. Nand Lal had one son and one daughter by his first wife who died 15 years back. The applicant also has a son. She states that she is living in the government accommodation allotted to her late husband along with her two sons and one daughter. Nand Lal died in harness in the service of Delhi Police on 22.5.1996. The applicant says that the family was given a sum of Rs.1,70,000 towards retiral benefits but the family pension is yet to be paid. She does not own any moveable or immoveable property and has no other source for looking after her minor children, more particularly after she has spent a considerable amount of the retiral benefits on the

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marriage of the daughter of her late husband's first wife. In view of her financial condition, she had sought compassionate appointment as a class IV employee in Delhi Police. But she learns now that her case has been rejected on the ground that her husband owned some agricultural land. However, she has obtained a report from the Tehsildar of the area in which her husband's village is situated which states that her husband did not own any agricultural land in his name and the said land is actually in the name of his father, that is, the father-in-law of the applicant. For these reasons, the applicant has now come before the Tribunal seeking a direction to the respondents to consider her case for compassionate appointment and in the event of grant of this relief, to further direct the respondents to regularise the quarter allotted to her late husband in her favour in accordance with the Delhi Police standing order No.3/91.

2. The respondents in reply state that the case of the applicant was considered by the committee headed by the Commissioner of Police, Delhi, on 15.4.1997, but rejected. She had received about Rs.1.95 lakh as pensionary benefits. It was also found that there were two killas of agricultural land at village Chandpur, Rajasthan, reportedly in the name of her father-in-law. The first wife of late constable Nand Lal expired on 26.8.1981 leaving behind one daughter who has since been married and one minor son. The family pension has to be divided equally between the minor son and the applicant. After the death of Constable Nand Lal on 22.3.1996, the allotment of the quarter in his name has also been cancelled and since 22.3.1997 the applicant is in unauthorised occupation of the same.

contd..3/-

Or

3. I have heard the counsel on both sides. Shri Shankar Raju, 1d. counsel for the applicant, submits that the applicant's case for compassionate appointment has been rejected largely on the ground that the family owns 2 killas of land. He pointed out that the report of the Tehsildar is specific that the land was not in the name of Nand Lal but in the name of applicant's father-in-law. The 1d. counsel for the respondents on the other hand points out that this was not the only consideration. The applicant has also received terminal benefits amounting to about two lakhs and in addition she is also entitled to her share of family pension. According to the 1d. counsel, there are only 5% vacancies in Delhi Police which could be filled in through compassionate appointment and the Committee having duly considered the matter came to the conclusion that the request of the applicant could not be sanctioned.

4. I have carefully considered the matter. It is now admitted by the respondents, as evidenced by their reply, that the 2 killas of land are in the name of the applicant's father-in-law. It cannot therefore be said that this land is at the disposal of the applicant. It also appears that the family pension, even if sanctioned, has not yet been paid to the applicant. The applicant is burdened with the care of two minor children. In the circumstances, keeping in view the fact that the Committee under the chairmanship of the Commissioner of Police had incorrectly taken into account the ownership of land, the matter needs reconsideration.

4. In the facts and circumstances of the case, this OA is disposed of with a direction that the case of the applicant will be reconsidered by the Committee constituted by the Delhi Police within three months from the date of receipt of a copy of this order. By an interim order, the applicant has already been allowed to continue in the house allotted to her late husband. It is further directed that the applicant will not be dispossessed of this quarter till the Committee reconsiders its earlier decision. However, it is made clear that the decision of the Committee will not give a fresh cause of action to the applicant.

The O.A. is disposed of accordingly. No costs.

R.K. Ahuja
(R.K. AHOOJA)
MEMBER (A)

/avi/