

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 2970 of 1997

13
New Delhi, dated this the 29th July, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Shri Bahadur Singh
L.D.C.,
Delhi Central Circle VII (Civil),
C.P.W.D. East Block,
R.K. Puram,
New Delhi-110066. APPLICANT

(By Advocate: Shri Ashish Kalia)

Versus

1. Union of India through
the Director of Estates,
Nirman Bhawan,
New Delhi-110011.
2. The Asst. Director of Estates ((Lit)),
Nirman Bhawan,
New Delhi-110011. RESPONDENTS

(By Advocate: Shri S.M. Arif)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns respondents' order dated 9.12.96 rejecting his claim for regularisation of Type II Quarter No.856, Sector V, R.K. Puram, New Delhi-22.

2. I have heard Shri Kalia for applicant and Shri S.M. Arif for respondents

3. It is not denied that the letter granting appointment to the applicant on compassionate grounds issued on 27.6.96 (Ann. A-6), while applicant's father died in harness on 26.5.95.

4. Keeping in view ~~of~~ the Hon'ble Supreme Court's judgment dated 19.10.95 in 'Shiv Sagar Tiwari's case, the Directorate of Estates had issued O.M. dated 22.5.96 (Ann. R-2) whereby in exceptional cases, delay upto one month in securing employment beyond 12 months from the date of death of parent can be condoned with the express approval of the Minister in charge, and the ad hoc allotment in such cases can be allowed, subject to the fulfilment of other prescribed conditions.

5. In the present case as noted above applicant's father unfortunately expired on 26.5.95 and the letter appointing applicant issued on 27.6.96. After excluding the day of ~~demise~~ of applicant's father, and exclusion of the day of issue of the appointment letter, I find that the appointment letter issued ~~is~~ within the period prescribed in respondents' own O.M. dated 22.5.96. Furthermore it is likely that the decision to grant applicant compassionate appointment had been taken in the relevant file even earlier. In these circumstances, it would be neither fair nor just to deny applicant the benefits contained in respondents' O.M. dated 22.5.96.

15

(3)

6. Under the circumstances, the O.A. succeeds and is allowed and the respondents' impugned order dated 9.12.96 is quashed and set aside. Respondents are called upon to regularise the aforesaid quarter in applicant's name on out of turn basis, subject to his fulfilment of other eligibility conditions and subject to payment of license fee as per rules. No costs.

Anjolige
(S.R. ADIGE)
Vice Chairman ((A))

/GK/