

Central Administrative Tribunal
Principal Bench: New Delhi

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O.A. No. 127/1994

New Delhi the 19th Day of September, 1994

Hon'ble Shri J.P. Sharma, Member (J)

Smt. Krishna Devi,
Widow of late Shri Ram Kumar,
K-137 Clive Square,
Rama Krishna Ashram Marg,
New Delhi.

... Applicant

(By Advocate: Shri D.R. Gupta)

Vs.

1. Union of India,
through Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.

2. The Director of Printing,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.

3. The Assistant Manager (Admin. Estates),
Govt. of India,
Ministry of Urban Development,
Govt. of India Press, Minto Road,
New Delhi.

... Respondents

(By Advocate: Shri P.H. Ramchandani)

O R D E R

Hon'ble Shri J.P. Sharma, Member (J)

Late Shri Ram Kumar was allotted Government accommodation No. K-137 Clive Square, Rama Krishna Ashram Marg, New Delhi while he was in service as Mono Caster in the Government of India Press, Minto Road, New Delhi. He died in harness. The Widow i.e. the Applicant applied for compassionate Appointment which is under consideration of the respondents. The deceased employee is survived by the Applicant widow, two minor sons Neeraj and Dheeraj aged 17 and 15 years respectively on the date of application and 2 minor

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daughters Ms. Shivani and Ms. Rahy aged 13 and 10 respectively. It is stated that all the children are minors. The widow is getting the pension of Rs. 625/- per month and after June 19, 1999 it will be reduced to Rs. 375/- per month. On her application for compassionate appointment no decision has yet been taken by the respondents. She has, therefore, filed this application in June 1994 before this Tribunal praying for the grant of the reliefs that she be appointed to Group 'D' post and further to regularise the Government accommodation in her name after her appointment.

2. She has been issued a notice dated 29.3.1993 for recovery of Rs. 3,120/- (Three Thousand one Hundred and Twenty) only for the period from January to March 1993. She is also aggrieved by this order.

3. On notice the respondents contested the application and stated that the application for compassionate appointment is under consideration but the applicant is not entitled for any preferential treatment as it cannot be claimed as a matter of legal right. All cases of compassionate appointment are to be treated or considered on their merit as per rules. The Licence Fee is charged as per rules for the period the applicant is in occupation of the Government Accommodation. The delay in disposal of her application for compassionate appointment is on account of the applicant's fault because she did not submit complete information/

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documents. She has submitted the complete documents only on December 30, 1993. The respondents have also stated in their reply that the eviction proceedings have been kept pending till the decision on the request of the applicant. She has already been given the DCRG as admitted by her in her representation (Annexure II).

4. The learned counsel for the parties heard at length and pursued the record. When the respondents themselves are not taking eviction proceedings against the applicant till the decision on the request of appointment on compassionate ground, it is not just and fair to charge damage rate of rent from the applicant. She is getting a paltry amount of pension as has larger family to support. Her application for compassionate appointment to Group 'D' post is under consideration. Respondents are expected to dispose of the same as already one year has passed since the applicant has already completed all the formalities required by the respondents for submission of certain documents and information in respect of claim for compassionate appointment.

5. The application, therefore, is disposed of with the direction to the respondents to consider the case of compassionate appointment of the applicant to a Group 'D' post according to extant rules followed in the Government of India Press and till then the applicant be not evicted from the premises. It is further directed that the applicant be charged only normal licence fee and if she pays the licence fee, then she be allowed

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to retain the Government accommodation till her application for compassionate appointment is considered and disposed of. After her application is disposed of, the respondents are free to take action/according to law. The respondents are further directed to dispose of the application within a period of three months from the date of receipt of the copy of this order, if she has been considered fit for compassionate appointment on a Group 'D' Post, the respondents should also consider to regularise the Government accommodation allotted to her late husband according to rules. The applicant shall abide by the final result which shall be conveyed to her regarding compassionate appointment as well as ^{about the} regularization of the aforesaid premises.

Costs on parties.

J. P. Sharma

(J.P. Sharma)
Member (J)

Mittal