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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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OA. No.1898 of 1994

Dated New Delhi, this 8th day of December, 1995

Hon'ble Shri K. Muthukumar, Member(A)

Smt. Usha Devi
W/o Shri Avtar Singh
R/o 66 Aliganj, Lodi Road
NEW DELHI.
By Advocate: Shri R. K. Kamal

... Applicant

versus

Government of National Capital
Territory of Delhi, through

1. The Chief Secretary
Government of N.C.T. of Delhi
5 Sham Nath Marg
DELHI-110054.

2. The Chief Engineer PWD
Delhi Administration (Zone-I)
Curzon Road Barracks
NEW DELHI-1.

3. The Director (Estates)
Directorate of Estates
Nirman Bhawan
NEW DELHI-1.

... Respondents

By Advocate: Shri M. M. Sudan for
Respondent Nos. 1 & 2 and
Shri S. K. Gupta for Respondent No. 3

O R D E R (Oral)

Shri K. Muthukumar, M(A)

The applicant's husband Shri Avtar Singh who was holding a permanent post of Khalasi in the Central Public Works Department (CPWD), had been missing since 15.12.86 and a F.I.R. was also lodged with the Police. Despite several efforts made by the Police, he was not traceable. The Delhi Police certified their inability to trace him by their certificate dated 27.4.94 annexed as Annexure A-3 to the application.

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In this application, the applicant has prayed for the following reliefs:

"1. Impugned order dated 12-9-94 (Annexure A-1) be set aside and quashed.

2. The respondents be directed to consider immediate offer of appointment of the applicant on compassionate ground in group 'D' post.

3. The respondents be directed to regularise quarter N.66 Aliganj in the name of applicant after her appointment on compassionate grounds.

3. The respondents be directed to pay all retirement dues of her husband to the applicant with interest. ..."

The learned counsel for the applicant states that the respondents have since appointed the applicant on compassionate ground by letter dated 31.10.94. In view of this, the learned counsel states that the ^{my}survived _lprayer is only in regard to the setting aside of the eviction order and regularisation of the quarter in the name of the applicant as well as payment of retirement dues with interest. In regard to the payment of retirement dues also, the learned counsel for the applicant states that respondents have since paid by letter dated 19.1.95 dues to the deceased employee. However, the amount of DCRG amounting to Rs.11,832/- does not include the interest for the delayed payment. He relies on Government of India's Decision Nos.12 & 13 under Rule 54 of CCS (Pension) Rules.

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The learned counsel for the respondents appearing for Respondent No.3, Shri Gupta, states that in accordance with the averments made in the counter reply, the applicant's case for regularisation of the accommodation in her name is still under consideration and would be considered in accordance with rules governing regularisation of quarters. He also states that the impugned order of eviction was issued prior to the date of compassionate appointment and, therefore, the whole matter is still under consideration of the department.

The learned counsel for the respondent Nos.1&2, Shri M. M. Sudan states that the retirement dues have been paid by the letter dated 19.1.95, as cited by the learned counsel for the applicant and the department will be prepared to consider the question of payment of interest on the DCRG on the basis of the extant rules on the subject.

In the light of the above, the entire issue has become simple and I am of the view that it would be enough if the application is disposed of with the direction to the Respondent No.3 to consider the regularisation of the accommodation in favour of the applicant within a period of three months. If the

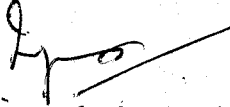
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accommodation is regularised in her favour, the respondents are free to deduct the licence fee payable under normal rules from the date of occupation by the applicant after deducting the amounts already deducted from the retirement dues and also directing Respondent No.1&2 to consider the payment of interest according to rules on account of DCRG, and pay the same, if admissible, within a period of three months. I direct accordingly.

The application is disposed of with the above directions with no order as to costs.


(K. Muthukumar)
Member(A)

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