

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 1372  
T.A. No.

198 9.

DATE OF DECISION 20.9.89.

Shri Harish Chander, Applicant (s)

In person. Advocate for the Applicant (s)

Versus  
Union of India & Ors. Respondent (s)

Shri P.P.Khurana, Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. P. Srinivasan, Administrative Member.

The Hon'ble Mr. T.S. Oberoi, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes.
2. To be referred to the Reporter or not ? No.
3. Whether their Lordships wish to see the fair copy of the Judgement ? No.
4. To be circulated to all Benches of the Tribunal ? No.

JUDGEMENT (ORAL)

(Judgement of the Bench delivered by Hon'ble  
Shri P.Srinivasan, Administrative Member).

This application has come up before us for direction.

The applicant is present in person and Shri P.P. Khurana, Counsel for the respondents. We find that the application itself can be disposed of at this stage on merits and we proceed to do so.

2. The applicant is the son of Late Shri Jagan Nath Sharma, who was working as a Sorting Postman before he died on 4.1.1983. Late Shri Jagan Nath Sharma was in occupation of ~~the~~ <sup>a</sup> Government Quarter. His son, the present applicant, was a minor at that time and so could not be given appointment on compassionate bases. He, however, attained majority on 24.2.1985 and was then promptly appointed as ~~Packet~~ in the P & T Department with effect from 9.3.1985. According to the Rules on the subject, the son of a deceased Government servant can be allotted the same quarter which ~~the latter~~ was occupied by the deceased during his life, if the son

is appointed on compassionate ground within one year after the death of the father. In the present case, the applicant was appointed on compassionate ground more than a year after his father's death. On this ground, the respondents seek to evict the applicant from the quarter in which he is living with his widowed mother.

3. Shri Khurana opposes the application on the ground that the Rules do not permit continuation of allotment in the name of the son where the son is given appointment after the expiry of one year from the death of the father. The eviction order was passed by the Directorate of Estates on 24.7.1987 accordingly and an appeal filed to the District Judge under the Public Premises (Eviction of Unauthorised Occupants) Act, has been dismissed. In the circumstances, Shri Khurana submits that the applicant cannot be allowed to stay in the said quarter.

4. We have considered the matter carefully. We find that the only reason why the applicant was not given appointment within one year of the death of his father was that he had not attained majority within that period. He attained majority on 24.2.1985 i.e. soon after the expiry of two years after the death of his father, and he was thereafter immediately appointed. In fact by the time the eviction order was passed, the applicant was already and was in Government service, <sup>the M</sup> eligible for allotment of a quarter of the type which his father was occupying. We also understand that rent is being recovered from him regularly. In view of this, we feel that in <sup>the M</sup> peculiar circumstances of the case, it would be in the interest of justice to allow the applicant to continue in the Government accommodation particularly because he has to look after his widowed mother.

5. In the result, we allow the application and direct the respondents to regularise the allotment of the quarter in the name of the applicant. Parties to bear their own costs.

( T.S.Oberoi )  
Member (J)

P. Srinivasan  
Member (A)