

9 C.A. No. 12

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Dated Friday the thirteenth day of January, one
thousand nine hundred eighty nine.

PRESENT

Shri P.K. Kartha - Hon'ble vice Chairman
&
Shri S.P. Mukerji - Hon'ble vice Chairman

ORIGINAL APPLICATION No. 164/88

&
ORIGINAL APPLICATION No. 179/88

Shri Hari Singh .. Applicant in O.A. 164/88
Shri Pradeep Kumar Sharma .. Applicant in O.A. 179/88

versus

1. Govt. of India Press, Minto
Road, New Delhi through its
Manager.
2. Director of Printing, Office
of the Dte. of Printing,
Government of India, B.Wing
Nirman Bhavan, New Delhi.
3. Union of India, Ministry of
Urban Development,
Government of India, New
Delhi through its Secretary. .. Respondents in
both cases.

Shri M.K. Gupta, counsel for the
applicant in both cases.

Mr. Malhotra, Counsel for Shri P.P. Khuran,
counsel for respondents in both cases.

ORDER

Hon'ble Shri S.P. Mukerji, vice Chairman

Since common questions of law, facts and
relief are involved in the aforesaid two applications
filed under Section 19 of the Administrative Tribunals
Act, they are disposed of by a common judgment as
follows. In the first case the father of the applicant
Shri Harisingh died while in service on 26.2.82. The
applicant was living in Government accommodation allotted
to his father at C-196, Alberts Square, Mandir
Marg, New Delhi. The applicant applied for appointment

on compassionate ground on 2.3.82. This appointment materialised through his appointment as LDI on 22.1.85. In the meantime his widowed mother ^{was} ~~was~~ proceeded against the Estate Officer for vacation of the house under Section 4 of Public Premises ~~Eviction or~~ (Vacation of Unauthorised Occupants) Act, 1971.

Notice was given on 17.1.85 to appear before the Estate Officer on 28.1.85. The applicant has been representing for regularisation of the occupation of the Government accommodation but without success. Another notice was issued by the Estate Officer on 24.12.87 to appear on 11.1.88. The applicant, ever since his appointment has not been claiming or getting any House Rent Allowance. He has quoted a number of precedents in which regularisation even after the expiry of twelve months from the date of death of the original allottee had ^{been allowed} ~~taken~~ place. The applicant has claimed that he should be entitled to regularisation in accordance with the extant orders.

2. In the second case the father of the applicant Shri Pradeep Kumar Sharma, who had been allotted Government accommodation at Qr.156, Mint Road Complex, New Delhi died on 26.1.83. The applicant applied for employment ^{on} ~~under~~ compassionate ground on 3.3.83. He was finally appointed as L.D.O. on 15.7.85. His applications for regularisation of the accommodation were rejected. Notices have been issued for eviction. He has also not been claiming or getting House Rent

Allowance. His last representation was filed in September, 1987 which has still been unresponded.

3. The respondents in both these cases have admitted the factual position and indicated that after allowing concessional period of four months subsequent to the death of the original allottee, allotment was cancelled ^{and} but further ^{extension} detention of six months was allowed, thereafter eviction proceedings undertaken. They have conceded that in accordance with rules, on the basis of allotment to the deceased father the applicants were eligible for allotment ^{on the basis} on adhoc basis provided they were appointed to Government service within a period of twelve months after the death of the original allottee. Since in both these cases the appointments materialised beyond the period of twelve months ^{after} ~~at~~ the death of the fathers, the quarters cannot be regularised in the names of the applicants. They have ^{however} ~~further~~ conceded the three cases of S/Shri Seelman, Mahinder Singh and Ramlal ^{when} ~~were~~ even though they were given compassionate appointments more than a year after the death of their fathers, quarters allotted to their fathers were regularised subsequently ^{in their favour}.

4. We have heard the arguments of the learned counsel for both the parties and gone through the documents. The learned counsel for the respondents

have not denied the three cases in which regularisation was allowed even though the compassionate appointments materialised more than twelve months after the death of original allottees. Since in the instant cases also the circumstances are similar and it has not been shown that the delay in the compassionate appointment was in any way caused by the applicants, we feel that the applicants are entitled to get the allotted quarters regularised in their favour. Accordingly we allow these two applications with the directions that the quarters occupied by them ^{should} ~~may~~ be allotted from the date of their appointment as L.D.C subject to their fulfilling the other conditions of such regularisation including clearance of all outstanding dues in respect of the premises so regularised and ^{their not owning} ~~do not own~~ house/plot at the places of their postings.

5. There will be no order as to costs. A copy of this order may be placed in both files.

V.P. Mukerji,
vice Chairman

(P.K. Kartha)
vice Chairman

13.1.1989

Sn.