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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
* * *

OA 1393/92

03.11.1992

Dr. (Mrs.) Amarjeet Kaur

...Applicant

Vs.

Union of India & Ors.

...Respondents

CORAM :

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

For the Applicant

...Shri G.D. Bhandari

For the Respondents

...Shri M.L. Verma

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

Dr. (Mrs.) Amarjeet Kaur is wife of Dr. Gursarwan Singh, who was the Head of the Department of Pharmacology and is said to have died in harness on 25.4.1990. During the course of his service, bungalow No.116, Bhagat Singh Marg was in occupation of the deceased employee and thereafter, the present applicant, his widow is occupying the same. The widow applied for compassionate appointment and the respondents vide Annexure A1 dt. 24.3.1992 offered a post of Staff Nurse in Lady Harding Medical College and Smt.S.K. Hospital. The grievance of the applicant is that inspite of that appointment letter, she was not allowed to join on that post and hence this application has been filed on 25.5.1992 for the relief prayed in para-8 and also praying for an interim relief for retention of the quarter. An interim relief appears to have

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been granted by the order dt. 27.5.1992 that the applicant should not be evicted except under the process of law. It appears that the applicant continues to be in occupation of the said premises. The case of the applicant is that in pursuance of the appointment letter dt. 24.3.1992, she reported vide Annexure A-12 dt. 6.4.1992 to the Principal of LHMC and SK Hospital, but she was not allowed to join that post and instead the Principal of the institution has written to the Director General of Health Services that since the applicant belongs to the medical discipline and her appointment to the post of Staff Nurse may create some misgivings among the already working staff in that branch and so she should be considered for other alternative post on which the Director of Health Services appears to have written on 7.5.1992 that the applicant can only be appointed to either Group 'C' or Group 'D' post and necessary adjustment of the applicant in any of these posts may be submitted with proper recommendations so that necessary action may be taken. The respondents filed their reply and stated that the blame is on the applicant herself that she herself did not like to join the post on one excuse or the other, she wanted to retain the quarter to which she was not entitled six months after the death of her husband. It is further stated that the case of the applicant was also considered for appointment to the post of Medical Social Worker/and that still appears to be under consideration on the date of filing of the counter. It is further stated that the applicant is not entitled to stay

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in Government accommodation, Bungalow No.116, B.S. Marg, and there is already an order of the competent court under Public Premises (Eviction of Unauthorised Occupants) Act, 1971 even at the appellate stage of eviction against her, but because of the interim direction granted by the Tribunal on 27.5.1992, the said premises could not be got vacated.

I have heard the learned counsel for both the parties at length. The only issue involved in this case is whether the applicant should be given a compassionate appointment and this fact is not denied by the respondents and in fact an appointment on compassionate ground has already been given on 24.3.1992 (Annexure A1) in favour of the applicant. The rival contentions, therefore, are that the applicant in her application has stated, so also the learned counsel at the Bar that she is still willing to join, but the respondents did not like herself to join the post of Staff Nurse. The learned counsel for the respondents, on the basis of the pleadings, stated that they have never refused the applicant to join on the post of Staff Nurse and the applicant herself wanted to avoid that joining for the reasons best known to her. So her case was also considered for the post of Medical Social Worker, a Group 'C' post. Be that it may be. The appointment letter of the applicant is for the post of Staff Nurse and that is the order assailed before me that the respondents are not allowing the applicant to join on that post. The arguments by the learned counsel cannot be beyond

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the pleadings, which have been clearly urged and stated in the application itself.

Of course, it appears to be a case of no contest by the respondents as they are still willing to give the same job to the applicant which has been given to the applicant by the letter dt. 24.3.1992 (Annexure A1). As regards the retention of the bungalow by the applicant, the law will take its own course. However, regarding realisation of damages/market rate of rent etc., the matter is left open with liberty to the respondents to proceed as per the Extant Rules on the subject.

The above application is disposed of with the direction that if the applicant reports within a period of one month from today to join the post of Staff Nurse, she may be allowed to join on the prescribed scale of pay from the date of joining and may also consider on the ground of eligibility on compassionate ground for allotment of eligible type of residence in her favour. The respondents shall be free to take action for eviction and realisation of damages for over stay according to the law as per Extant Rules regarding the bungalow No.116, Bhagat Singh Marg, which was allotted to the deceased husband of the applicant. Cost on parties.

J. P. Sharma

(J.P. SHARMA)

MEMBER (J)

03~~11~~.11.1992

The delit corrected J. P. Sharma.
19.11.92.