

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

O.A. NO. 1931/92

DATE OF DECISION : 27.07.1992

Smt. Bimla ...Applicant
Vs.
Union of India & Anr. ...Respondents

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

For the Applicant ...Shri T.C. Aggarwal
For the Respondents ...None

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

JUDGEMENT (ORAL)

The applicant, Smt. Bimla alleged herself as the widow of one Shri Kanti Prasad, who had been working as S.S.F. (A class-III post) in Delhi Milk Scheme. The said employee died in harness on 28.1.1992. During his service, the deceased was allotted a DMS Quarter No.S-21, DMS Colony, West Patel Nagar. The deceased is survived by the applicant, i.e., the widow and two minor children-one son about nine and a half years and a daughter about two years of age. Since the deceased died in harness, the applicant applied for her appointment on compassionate grounds under the relevant rules, sometimes in April, 1992.

2. Under the Rules, a Government servant, who dies in harness, the heirs are allowed to retain the allotted premises for a period of six months and in this case, they could retain it

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till 28.7.1992. However, a notice dt. 4.7.1992 has been issued in the name of the applicant that she should vacate the quarter on 28.7.1992. It is further stated in the notice that if she overstays, then she shall be liable to pay enhanced rate of rent/damages under SB.317 (b) 22. In this application, filed on 24.7.1992, the applicant has claimed the relief that the respondents be directed to appoint the applicant and to regularise the Quarter No. S-21 DMS Colony, West Patel Nagar in her favour.

3. I have heard the learned counsel for the applicant at length. The application is disposed of at the admission stage itself with the direction to the respondents to dispose of the representation of the applicant of April, 1992 regarding her compassionate appointment and in case such a representation is not available with them, the applicant is at liberty to file a fresh representation within two weeks from the date of receipt of this order. The respondents are directed to decide that representation within a period of six weeks. Till that time, dispossession of the applicant from the said quarter S-21, DMS Colony, West Patel Nagar shall not be effected. If the applicant is still aggrieved, she may assail the same before the competent forum subject to the law of limitation. Issue dasti.

J. P. SHARMA

(J. P. SHARMA)
MEMBER (J)
27.07.1992