

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

(J)

OA 2497/92
OA ~~2497~~ 92

Date of Decision: 23.02.93.

SUBHASH CHANDER

Vs.

... APPLICANT.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLE SHRI J.P. SHARMA, MEMBER (J).
HON'BLE SHRI S.R. ADIGE, MEMBER (A).

For the Applicant

... SHRI M.P. SAXENA.

For the Respondents

... SHRI P.P. KHURANA.

JUDGEMENT (ORAL)

The applicant, Subhash Chander, has filed this Original Application after getting compassionate appointment in the Delhi Milk Scheme under directions of the judgement delivered by the Tribunal by the order dated 9.7.90. A copy of that judgement has been annexed as Annexure-IV to the OA. It goes to show that Smt. Gomti Devi widow of deceased employee Shambhu Prasad, on the death of her husband requested for appointment on compassionate ground of one of her son Subhash Chander. It appears that under the directions of the Tribunal, said Subhash Chander has been given compassionate appointment by the Memo dated 1.10.90. However, the family continued to remain in occupation of the quarter allotted to the deceased employee i.e. 41/11, Sector-I, M.B. Road, Pushp Vihar, New Delhi. For getting regularisation of the Govt.

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accommodation, he moved an application duly forwarded by the Administrative Officer of the Delhi Milk Scheme to the Directorate of Estates, Nirman Bhawan, New Delhi (Annexure-IX) on 18.6.91. The applicant has not been awarded with the allotment/regularisation of the said quarter and hence this application has been filed on 24.9.92.

Notices were issued to the respondents and Shri P.P. Khurana appeared for the respondents and orally opposed the grant of relief prayed for.

Heard the learned counsel for the applicant. We find that an interim direction was issued to the respondents, when this application was filed, to maintain status-quo and the applicant alongwith the family of the deceased are continuing to reside in the aforesaid quarter.

It appears that the respondents have not disposed of the application for allotment/regularisation of the applicant dated 18.6.91, which was duly forwarded by the Administrative Officer of the Delhi Milk Scheme. It is also stated by the learned counsel that the applicant's father was allotted from the General Pool accommodation and the applicant is also entitled to the same type of accommodation from the General Pool.

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In view of the above facts and circumstances, the respondents are directed to dispose of the application for allotment/regularisation of the Qr. No. 41/11, Sector-I, M.B. Road, Pushp Vihar, New Delhi, in favour of the applicant as per Extent Rules. The application is, therefore, disposed of at the admission stage itself with the directions to the respondents to consider the application of the applicant aforesaid for regularisation of the aforesaid quarter and also regarding the charging of the licence fee for retention of the said quarter after the death of the deceased employee as per Extent Rules. If the applicant is still aggrieved, he can approach the Tribunal subject to the law of limitation. The applicant shall not be evicted from the said premises till the aforesaid application is finally disposed of.

Under the circumstances, the parties to bear their own costs.

Arfodge
(S.R. ADICE)
MEMBER (A)
23.02.93

J.P. Sharma
(J.P. SHARMA)
MEMBER (J)
23.02.93