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CAT/12/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

R.A No. 37/93

in

O.A. No. 1229/93

U.O.I. & Ors.

DATE OF DECISION

7-9-93

Petitioner

Sh. Jog Singh

Advocate for the Petitioner(s)

Versus

Sh. Rattan Chand

Respondent

None

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. I.K. Rasgotra, Member(A)

The Hon'ble Mr. B.S. Hegde, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

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ORDER

(delivered by Sh. I.K.Rasgotra, Member(A))

R.A. No.37/93 has been filed by the respondents in the main O.A. No.1229/92 decided on 19.11.92 with the prayer that the said Judgement be recalled/reviewed. Notice was ordered to be issued to be original applicant in OA No.1229/92 on 24-5-93 when the case came on 5.8.93, the registry brought out that the acknowledgement due was still awaited although the notice was issued to the original

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applicant on 15.7.93. Since the period of more than 30 days has already elapsed, the service is deemed to have been completed. In view of the above circumstances, we proceed to dispose of the OA on the basis of the record and material before us. The direction given in our judgement dated 19.11.92 is to the effect:-

■ Respondents are accordingly directed to provide an appointment to the applicant on compassionate grounds to any other post, keeping in view the level of the post held by the deceased father. If there is no suitable post for such appointment, supernumerary post should be created to accommodate the applicant.

"on his such appointment, the residential accommodation in question shall be regularised according to rules"

These directions shall be complied with by the respondents within a period of three months from the date of receipt of a copy of this order".

The petitioner in OA No.1229/92 had prayed for appointment on compassionate grounds on the death of her father who was working as Chowkidar in the Govt. of India Press, Mayapuri, Delhi. There have been large number of cases where the dependents of deceased employees of the Government of India Presses have seeking compassionate appointments. A Bunch of 15 applications(OA No. 2573/90, 2754/90 etc) were decided by the Tribunal on 14.2.1992 where the

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respondents were directed to prepare a scheme for the dependents of such employees who were seeking appointment on compassionate grounds keeping in view all relevant facts it was further directed that such appointments should be commensurate with the Educational qualifications of the persons concerned and wherever necessary, the same should be relaxed as also the age limit prescribed for the post. Till such a scheme is prepared and the applicants are appointed in suitable posts, the respondents shall allow the applicants in OA 2754/90, OA- 3/91 etc. to continue in the Government accommodation in their possession, subject to their liability to pay the normal licence fee, in accordance with the relevant rules.

In accordance with the said direction, the Director of Printing prepared a common list of all pending cases of compassionate appointment to Govt. of India, Presses located all over India. The list of deserving cases was filed in the Tribunal in the case of Smt. Asha Devi Sachdeva V/s UOI (OCP No. 138/93 in OA No. 1470/92). All the cases so listed are to be considered for appointment in turn subject to availability of vacancies in the compassionate appointment quota.

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The petitioner in the R.A. have submitted that the name of Sh. Rattan Chand S/o Sh. Onkar Singh, petitioner in OA No. 1229/92 figures at serial No. 75 of the list. They further submit that his case would be considered for appointment on compassionate appointment in its turn. We observe, it appears even though the Judgement in O.A. No. 2754/90 etc. was brought to the notice of the learned single judge, he chose to decide the case of the petitioner applying the ratio of the Judgement of the Supreme Court in Sushma Gosain and Ors V/s U.O.I. and Ors (AIR 1989 S.C.C. 1976) and accordingly proceeded to give the directions adverted to above. The fact, however, remain that the direction given in Rattan Chand (Supra) case on 19.11.92 is contrary to the direction given in the Judgement of the Division Bench rendered in OA No. 2753/90, OA No 2754/90 etc. rendered on 14.2.92. The Printing Presses under the Govt. of India have problems distinctly different and distinguishable from the problem which may be obtaining in other offices of the Govt. of India in respect of compassionate appointments. It was in view of the distinguishing features of the problem in the printing presses that the respondents were directed to formulate a scheme for consideration of all deserving cases for compassionate appointment. This view was further elaborated in our order in CCP No. 138/93 in OA No. 1470/92.

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The Respondents have accordingly revised the list of deserving cases. Sh.Rattan Chand, the petitioner in OA No. 1229/92 is at serial No. 75 of the said list of deserving cases. His case, is, therefore, to be dealt with in accordance with the directions given by the Division Bench in the batch of OAs 2753/90 etc. and as supplemented by the order of coordinate Bench in CCP 138/93 in OA 1470/92. The case of Sh.Rattan Chand is not such as to be given overriding priority. We further fortified in our view by the judgement of the Supreme Court in Smt. Shipra Bose V/s U.O. I. & Ors (Writ Petition(C) No.918 of 1991 decided on 16.11.92 The Shipra Bose (Supra) case is identical to the one of Shri Rattan Chand. The order of the Supreme Court in Smt. Shipra Bose (Supra) case is reproduced below:-

"The counter filed on behalf of the respondents shows that there is an all India list prepared for filling in vacancies on compassionate ground. As present, there are 149 in the waiting list and the petitioner's son number is 120. The respondents have not rejected the petitioner's son claim. They have explained that as soon as his turn comes, employment will be offered to him.

We understand that the petitioners are at present occupying the Government quarters. They are given two years time to vacate the same unless in the meanwhile the petitioner's son gets employment with the respondents. The respondents will not charge to the petitioner rent in excess of the rent which was being

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charged when the deceased was in service. The petitioner will clear up the arrears of rent calculated on the above basis. The petitioners shall pay the arrears of rent within four months from today. The writ petition is disposed of accordingly".

In view of the above facts and circumstances, we recall the order of the Tribunal dated 19.11.92. We further order and direct that the respondents shall consider the case of Sh. Rattan Chand, petitioner in OA No. 1229/92 in accordance with the scheme framed in pursuance of the decision of this Tribunal in OA 2753/93, 254/93 etc. decided on 12.2.92 and further directions given in CCP No. 138/93 in OA No. 1470/92. We further direct that the petitioner in OA No. 1229/92 shall be allowed to remain in possession of the Govt. accommodation for a period of 6 months on payment of normal licence fees. In case, Sh. Rattan Chand is appointed on compassionate basis during this period, the said quarter shall be regularised in his name. However, if his turn for appointment on compassionate basis is not reached within 6 months from the date of communication of this order, he shall be allowed additional time of 3 months to enable him to vacate the quarter on payment of licence fee on normal rent.

R.A. is disposed of as above.

B.S. Hegde
(B.S. HEGDE)
MEMBER(J)

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

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