

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.



O.A.No.980/92

Date of decision: 16.02.93.

Sh. Brij Bala & Others Applicants
versus
Union of India & Others Respondents

Coram:-

The Hon`ble Sh. J.P. Sharma, Member(J)

The Hon`ble Sh. S.R. Adige, Member(A)

For the applicant : Sh. B. Deva Sekhar, counsel

For the respondents : Sh. Y. Suleman, LDC

JUDGEMENT(ORAL)

(delivered by Hon`ble Mr. J.P. Sharma, Member(J)).

Late Sh. Hakumat Rai who was employed in Govt. of India Press Minto Road died in hardness on 3.2.1991. After his death the widow Smt. Brij Bala applicant No.1 and his son Sh. Anil Kumar requested the respondents to give assistance in compassionate appointment by giving suitable appointment to Applicant No.2. The request has not been favourably considered and has been disposed of by the order dt. 1.1.92 that the case of applicant No.2 shall be considered as and when vacancy ~~le~~^s arises. The deceased employee was also in occupation of the Government Quarter No. F-1432, Netaji Nagar, New Delhi. In this original application the applicant has prayed for the

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quashing of the impugned order dt. 1.1.92 and a further order passed by the respondents dt. 13.3.92 which purports to recover ^{rent/} damage charges from the legal representative of the deceased employee. It has also been prayed that immediate appointment be provided to applicant No.2 as Machine Asstt.

2. The respondents contested the application as it appears from the reply filed by the respondents that the name of applicant No.1 has been considered and has been brought on the list of deserving cases which appeared to have been prepared on a scheme which has been directed by the Bench in an earlier decision dated 4.2.92 passed in a bunch of original applications.

3. The learned counsel for the applicant today stated that in view of the fact that the name of Applicant No.2 has been brought on the list of deserving cases at Sr. No. ¹²³ ~~1 to 3~~ which is attached to the supplementary counter filed by the respondents, so he does not press the relief for compassionate appointment of applicant No.2. He, therefore, argued that since the appointment to Applicant No.2 cannot be in the near future so the premises which were allowed to the deceased employee should be allowed to ^{be} retain^{ed} at the normal licence fee as per extant^a rules. The learned counsel for the applicant has supported his arguments on the basis of a similar case which came before the Hon^{ble} Supreme Court in Writ Petition (918/91) Smt. Shipra Bose & Ors. Vs. U.O.I. decided on 16.11.92. In that case also there was a similar case of government residence

by the legal representative of the deceased employee who had applied for assistance in compassionate appointment. The Hon`ble Supreme Court in that case ordered that they can vacate the said premises within two years unless in the meanwhile the petitioner's son get employment with the respondents.

4. The learned counsel for the respondents is not present today but the representative of the respondents who is present today stated that he has no objection if the similar direction is issued on the lines given by the Hon`ble Supreme Court in Writ Petition No.918/91 (supra).

5. In view of the above facts and circumstances the present application is disposed of with the direction that the respondents shall ^{Comply with} ~~apply~~ that the list of deserving cases of compassionate appointment and further that the family of the deceased employee is allowed only 2 years time to vacate quarter No.1432, Netaji Nagar, New Delhi unless in the meanwhile applicant No.2 gets employment with the respondents. It is further directed that the respondents shall recover only normal licence fee from the applicant/legal representative of the deceased ^{who shall also} ~~and to~~ pay the arrears of rent within 4 months from today. No costs.

S.R. Adige
(S.R. Adige)

Member (A)

J.P. Sharma
16.2.93
(J.P. Sharma)

Member (J)