

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
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18.12.92

O.A. No.1151/92

Mrs. Putal Rani Bose & Anr. ... Applicants

Vs.

Director of Estates & Ors. ... Respondents

CORAM :

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

For the Applicants ... Shri D.R. Gupta

For Respondents Nos.1-3 ... Shri P.P. Khurana

For Respondent No.4. ... Shri M.L. Verma

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

JUDGEMENT

Applicant No.1 is the wife and applicant No.2 is the son of the deceased employee, Shri P.K. Bose, who was employed as Daftry in Directorate General of Supplies and Disposal and died in harness on 10.11.1990 and was allottee of premises No.D-606 Netaji Nagar, New Delhi. Both the applicants jointly filed the application aggrieved by non payment of applicant No.2, Shri Ranjit Kumar Bose on compassionate ground and further respondent No.1 not regularising the quarter aforesaid in favour of applicant No.1, i.e., the widow.

The applicants prayed for the grant of the following reliefs :-

- (a) To regularise the accommodation D-606 Netaji Nagar, New Delhi in favour of applicant No.1

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after quashing the orders dt.13.10.1991 and 8.1.1992.

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- (b) To direct respondent No.1 to give compassionate appointment to applicant No.2, i.e., the son.

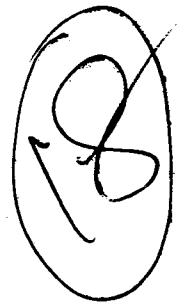
The facts of the case are that the applicant No.1, the widow was sharing accommodation with her husband in the premises in question as she is also employed as Aya in Ram Manohar Lohiya Hospital under Delhi Administration. Her husband, as said above, is a Central Government employee, who died in harness on 10.11.1990. The applicant No.1 has also not been claiming any HRA since 1991. She was also not in occupation of any other Government premises nor she owns her own house within Delhi. She requested for regularisation of the quarter allotted to her husband, but the Directorate of Estates by the impugned order informed her that her request cannot be acceded to, but in the said letter, there is no reference to any rule nor any reason has been given why the regularisation of the quarter cannot be done.

She has also not been provided with compassionate appointment and by the order dt.10.12.1991, she was told by the Joint Secretary, DCS&D that it has not been possible to give compassionate appointment to her son.

Shri P.P. Khurana, counsel appeared for respondents Nos.1, 2 and 3 and filed a written reply mainly based on non grant of compassionate appointment to the son of the deceased employee ~~and~~ ^{and} of applicant No.1. Shri M.L. Verma, counsel appeared for respondent No.4 and stated that respondent No.4

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is not concerned with the allotment or regularisation or compassionate appointment and no cause of action has arisen against respondent No.4.

I have heard the learned counsel for the applicant and also the learned counsel for the respondents. As regards the issue of compassionate appointment, it is conceded by the learned counsel for the applicant that applicant No.1 is employed as Aya and she is getting Rs..1464 as her pay besides family pension of Rs.484 p.m. due to her on account of the death of her husband. This is the position in 1991. It is also admitted to the learned counsel for the applicant that about Rs.3448 has been received as terminal benefits by applicant No.1. One of the sons of the deceased employee is already in service. It is the second son for whom applicant has sought for compassionate appointment. In order to be eligible for compassionate appointment, the family of the deceased should come within the purview of the definition of the indigent family. In the present case, the mother and son have an income of about Rs.2000 p.m. and such a family, therefore, cannot be said to be in dire need of financial assistance or that the family has to be rehabilitated on account of the death of the Central Government employee in harness. The respondents, though they have not given a speaking order rejecting the request of applicant No.1, but in the counter filed by respondents Nos.1 to 3, the matter has been explained in greater length. The main thrust of the

learned counsel for respondents Nos.1-3 is that the family is not at all indigent for requiring an assistance in giving compassionate appointment to applicant No.2.

The learned counsel for the applicants has referred to the case of Shushma Gosain Vs. Union of India, reported in AIR 1989 SC 1976. The facts of that case are totally different. In that case Shushma Gosai herself was left without any other source of earning and had to bring up the minor children. That is not the case here. The learned counsel for the applicants has also referred to the case of Smt. Phoolwati Vs. Union of India (Civil Appeal No.5967/90) where Director, Printing was one of the respondents. Union of India was directed to give compassionate appoint suited to the education of the ward of the deceased employee. The facts of Smt. Phoolwati's case are also totally different and the family, therefore, was indigent having no other source of livelihood or regular income to maintain the family. In the present case the liability of applicant No.1 is only applicant No.2 and so it cannot be said that the family needs immediate help in the shape of compassionate appointment of applicant No.2. The applicants, therefore, have no case on this account.

As regards the regularisation of the quarter, the matter is fully covered by SR 317 B-25. The learned counsel for the applicants has also referred to a number of cases,



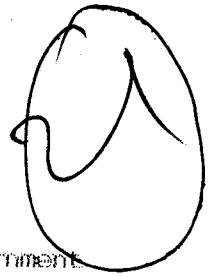
already decided where the husband and wife both employees either in the Central Government or Delhi Administration were sharing accommodation and one of them not claiming any HRA and on the death of one of the spouses, regularisation of the quarter has been done in favour of the other. Same is the case where one of them has retired and the other continues to be in service either with the Delhi Administration or Central Government. The cases referred to by the learned counsel are OA 1249/91 (Dr. A.G. Golmal & Anr. Vs. UOI) decided on 4.9.1992, OA 891/90 (B. Narayan Sharma & Anr. Vs. UOI) decided on 15.5.1991 and OA 1963/91 (Jay Ram Yadav Vs. UOI) decided on 18.12.1991. In the present case, applicant No.1 has been working as Aya in Ram Manohar Lohiya Hospital and the deceased employee, Shri P.K. Bose was working as Daftry as a Central Government employee in DGS&D. The quarter No.D-606 Netaji Nagar was allotted to the husband. Applicant No.1 was not claiming any HRA. On compassionate ground as well as on the ground that her husband was also sharing accommodation and that the applicant is entitled from general pool accommodation also, the respondents have erred in not regularising the said quarter in favour of applicant No.1. There is no serious contest also in the counter filed by respondents Nos.1 to 3. Thus this prayer of the applicant for regularisation of the quarter has to be allowed.

The application is, therefore, partly allowed.

Respondent No.1 is directed to regularise the quarter No.D-606 Netaji Nagar, New Delhi in favour of applicant No.1

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from the date of the death of the deceased ^{de} ~~of the~~ Government employee and further to realise the normal licence fee as was due. As regards the prayer for compassionate appointment, the same is disallowed and the application in that regard is rejected. Costs easy.

J. P. Sharma
(J.P. SHARMA) 18/11/92
MEMBER (J)