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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA No.2236/93.

New Delhi, this the 17th day of January, 1994.

HON'BLE MR. J.P.SHARMA, MEMBER(J).

Shri Ved Parkash,
son of late Shri Rup Ram,
r/o: D-313, Netaji Nagar,
New Delhi.

...Applicant

(By advocate: Shri S.N.Bhardwaj)

VERSUS

1. Director General of Works,
Central Public Works Department,
Govt. of India, Central Office,
Nirman Bhawan, New Delhi.
2. Chief Engineer, H.Q.
Central Public Works Department,
Delhi Central Electrical Circle,
New Delhi.
3. Superintending Engineer (Electrical),
Electrical Circle No.2, CPWD,
New Delhi.
4. Estate Officer,
Directorate of Estates,
Nirman Bhawan, New Delhi.

...Respondents

(By advocate: Shri P.P.Khurana with
Shri Goerge Paracken.

ORDER (ORAL)

Rup Ram was employed as a Khalasi with respondent no.3 in the CPWD died in harness on 1-2-90, leaving behind two sons -Om Parkash and Ved Parkash, both major. Om Parkash did not seek any assistance by way of compassionate appointment while Ved Parkash preferred a representation to the respondents and by the letter dated 17-2-1992, certain formalities were required to be filled in by the applicant and documents like ration card and undertaking from other

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sons was desired. The applicant, as alleged, has furnished the same and also obtained the Succession Certificate under Indian Succession Act, 1825 showing that applicant as well as his brother Om Parkash are heirs of the deceased Rup Ram. There was another son Prem Chand of pre-deceased father Rup Ram leaving certain married daughters. The applicant is also in occupation of a railway quarter D-313, Netaji Nagar, New Delhi which he was sharing with the deceased Rup Ram who was allotted while in service with the respondents. A notice has also been issued by the respondents regarding vacation of that quarter under Section 4(1) of the Public Premises Act, 1971. Apprehending his eviction, the applicant has filed the present application in October 1993 and prayed for the grant of the reliefs that a direction be issued to the respondents to give compassionate appointment as LDC or in a class IV cadre and be allowed to retain the accommodation allotted to the deceased (father).

2. A notice was issued to the respondents and after granting them twice time to file the reply, on 20-12-93 the Single Bench ordered that if from that date within 2 weeks the reply is not filed by the respondents, their right to file the counter will be forfeited. Pleadings shall be taken as complete and case will be disposed of on the next date, i.e., today.

3. Shri P.P.Khurana appears for the respondents and prays for further time to file the reply but in view of the Single Bench order dated 20-12-93 and in

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view of the fact that no request to recall that order or to review the same has been made, the oral request made by the counsel cannot be reasonably accepted.

4. However, counsel for the parties have been heard on merits. The respondents have not yet disposed of the representation of the applicant inspite of the fact that the applicant is son of the deceased employee and the terminal benefits which the deceased family got is a meagre amount of Rs.30,080 as DCRG; Rs.17,825 as insurance money and Rs.9,079 as leave encashment has to be paid according^{to} succession certificate to all the heirs of the deceased. The family has no other source of income whatsoever.

5. In view of the above facts and circumstances, the respondents are directed to dispose of the representation of the applicant and consider giving assistance in compassionate allotment to Ved Parkash according to the extant rules. The applicant thereafter be also considered for compassionate allotment of the quarter. The learned counsel for the applicant at this moment did not ask for compassionate allotment as that situation will arise after compassionate appointment is accorded to the applicant.

6. The application is disposed of with direction to the respondents to consider the case of the applicant for compassionate appointment in the light of the observations made above. No costs.

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