

Central Administrative Tribunal Principal Bench, New Delhi



O.A. No. 512/2021

New Delhi, this the 19th day of April, 2021

(Through Video Conferencing)

HON'BLE MS. ARADHANA JOHRI, MEMBER (A)

Ashish
S/o Late Subhash,
R/o, I-2, Type-2, Safdarjung
Staff Quarters,
West Kidwai Nagar,
New Delhi-110023.

...Applicant

(By advocate: Shri A.C. Tiwari)

Versus

1. Ministry of Health through its
Secretary, Nirman Bhawan,
Near Udyog Bhawan Metro Station
Molana Azad Road,
New Delhi-110011.
2. Government of India
Through the Medical Superintendent
Safdarjung Hospital and V.M.M.C,
New Delhi-110023.

...Respondents

(By advocate: Sh. Subhash Gosain)

ORDER (ORAL)

The father of the applicant was employee of respondent organization who expired on 21.01.2019. Thereafter, the applicant's mother made a representation dated 27.07.2020 to the respondents for compassionate appointment of the applicant in lieu of his father as well as to permit to continue staying in the official

accommodation. On 18.12.2020, the respondents issued eviction notice to the applicant's mother to vacate the said premises by 21.01.2021 failing which the market rent would be charged for unauthorized occupation in the said house under PP Act.



2. Aggrieved by the same, the applicant approached the Hon'ble High Court of Delhi by filing WP (C) No. 1453/2021 and the order passed therein on 04.02.2021 reads as under:-

"At this stage, learned counsel for the petitioner states that there is a grave urgency in the matter as a notice of eviction has been received by the petitioner.

As I have already granted liberty to the petitioner to approach Central Administrative Tribunal, petitioner shall approach CAT within 10 days from today and get the matter listed for hearing.

Till such time, the respondent shall not take any coercive steps against the petitioner.

The Tribunal shall be within its right to hear the counsel for the parties and decide the interim relief if any prayed by the petitioner in the Original Application de-novo."

3. It is the contention of the applicant that the said representation has not yet been decided. Therefore, the family of the applicant should not be evicted from the accommodation.

4. Respondents have filed Status Report stating that the matter of the applicant for compassionate appointment was considered by the Committee on Compassionate Appointments on 09.09.2020 but due to non-availability of the post, the applicant was not offered compassionate appointment. However, they have not issued any final order in this regard.

5. Respondents are directed to decide the representation dated 27.07.2020 by passing a reasoned and speaking order as per rules and law, within a period of four weeks from the date of receipt of a copy of this order. In the meanwhile, they shall not take any coercive action against the applicant.



6. OA is disposed off accordingly. There shall be no order as to costs.

**(Aradhana Johri)
Member (A)**

/Jugal/arti/