

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 527 OF 1999.

Cuttack, this the 27th day of July, 2000.

J. Remabhaskaram and another. ... Applicants.

Vrs.

Union of India & others. ... Respondents.

FOR INSTRUCTIONS.

1. Whether it be referred to the reporters or not? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNAH SOM)
vice-CHAIRMAN

8

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Cuttack, this the 27th day of July, 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
AND
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

1. Mrs. J. Remabhaskaram, Aged about 43 years,
W/o Late S. Bhaskaram, Ex-Senior Mechanic HS (i),
Refrigeration and Air conditions,
Qrs. No. P-33/1 (Type-II), INS, Chilika, Dist. Khurda.
2. R. Bijukumari, Aged about 21 years,
D/o Late S. Bhaskaram, Qr. No. P-33/1
(Type-II), INS Chilika, PONTC Chilika,
Dist. Khurda. Applicant.

By legal practitioner : M/s. G. N. Mohapatra, B. N. Mohapatra,
P. K. Sahoo, A. K. Mohapatra,
L. N. Patel, Advocates.

- Versus -

1. Union of India represented through its
Garrison Engineer (P), Chilika,
P.O. N. T. C., Chilika, Dist. Khurda.
2. Asst. Garrison Engineer,
E/N (P), Chilika,
INS Chilika, Dist. Khurda.

.... Respondents.

By legal practitioner : Mr. A. K. Bose, Senior Standing Counsel.

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN

In this original Application, under section 19 of the Administrative Tribunals Act, 1985, the two applicants, widow and daughter of one Sanku Bhaskaram, ex-senior mechanic, Refrigeration and Air conditions, working under INS Chilika, have prayed for setting aside the order at Annexure-6 and to direct the Respondents to allow the applicants to pay house rent at the normal rate at which they were paying upto 30th September, 1999. They have also prayed for a direction to the Respondents to allow the applicants to retain the quarters till the prayer of applicant No.2 for rehabilitation assistance is finally decided.

2. Respondents have filed counter opposing the prayers of applicants. For the purpose of considering this original Application, it is not necessary to go into too many facts of this case.

3. Mr. G.N. Mohapatra, learned counsel for the applicants and his associates are absent. No request has also been made on their behalf seeking adjournment. On the last occasion also learned counsel for the applicants was absent. In view of this, we have decided not to drag on the matter indefinitely and heard Mr. A.K. Bose, learned Senior Standing Counsel for the Respondents and have also perused the records.

S. Som

4. Husband of applicant No.1 and father of Applicant No.2 passed away on 21.9.98. According to rules, in such a case, the surviving family is entitled to retain the quarters for one year or upto the date of superannuation of the employee whichever is earlier. Accordingly, applicants were allowed to

retain the quarters till 30th of September, 1999. In the order At Annexure-6, applicants have been directed to vacate the qrs. on 30th of September, 1999 and it has been indicated that on their failure, Rs. 2,500/- will be recovered from their running account. At the time of hearing, learned Senior Standing Counsel submitted that in consideration of the difficulties of the applicants, Departmental Authorities have further considered their representation and have allowed them to retain the quarters till 31.8.2000. Learned Senior Standing Counsel has also submitted and filed a petition signed by the applicant No.1 indicating that she will vacate the qrs. on 1st of September, 2000. In view of this, as the applicant has already been allowed to remain in the quarters beyond 30th September, 1999 till 31.8.2000, their prayer for quashing the order requiring them to vacate the quarters after September, 1999 has become infructuous. As the applicants have been allowed to retain the quarters upto 31.8.2000, the Respondents will only recover the normal rent as per rules from the applicants till the period upto 31.8.2000 and not on market rate at Rs. 2,500/-PM which has been directed to be paid in order at Annexure-6. 1st prayer of the applicants is accordingly disposed of.

S/for

5. The second prayer of the applicants is that Respondents should be directed to allow the applicants to continue in the quarters till the prayer of the applicant No.2 for compassionate appointment is disposed of. We find no reason for issuing such a direction because compassionate appointment can not be claimed as a matter of right. Question of giving compassionate appointment to applicant No.2 is also not the subject matter of this present application. In view of this, it can not be said when the case of compassionate appointment to applicant No.2 is decided and

and with what result. In view of this, we find no merit in this prayer of the applicants and it is also accordingly rejected.

6. In the result, the original Application is disposed of in terms of the observations made above. No costs.

(G. NARASIMHAM)
MEMBER(JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHIEF JUSTICE

KNM/CM.