

Order dated: 02.07.2009

Coram: Hon'ble Mr. Justice K. Thankappan, M(J)
Hon'ble Mr. C.R.Mohapatra, M(A)

The applicant has filed the present O.A. seeking the following relief:

"1) issue a direction to the Respondents to provide accommodation on payment of Rs. 864/- per month as was being paid earlier till a decision on her representation dated 10.06.2009 vide Annexure-A/12 or till her appointment on compassionate grounds is considered as per the directions of this Hon'ble tribunal by its order dated 28.05.2009"

2. It is the case of the applicant that her husband, while working as Poultray Attendant in Central Poultry Breeding Development Organization, Bhubaneswar on the ground of his brain surgery and other ailments, had to retire voluntarily from service w.e.f. 7.11.2008. It is in this backdrop, the present applicant had applied for compassionate appointment which having not been considered, it gave rise to filing of O.A. No. 220/09, which was disposed of with the following orders:

"...to direct Respondent No.2 to process the case for compassionate appointment as per rules and communicate to the Applicant with a reasoned order within a period of 60 days."

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While the matter stood thus, as per Annexure-A/11 dated 16/18.5.2009, the applicant's husband had received a letter, wherein he has been asked to vacate the Govt. quarters occupied by him on or before 8.7.2009 as there is no such provision for further extension to be granted to the government servant who has already retired. This being the situation, the applicant by filing a representation dated 10.06.2009 (A/12) has requested the authorities to allow her to occupy the quarters allotted in favour of her husband till a decision on compassionate appointment in her favour is considered as per the direction of this Tribunal in O.A. No. 220/-09 with these submissions the applicant has prayed for the relief as referred to earlier.

3. We have heard the Ld. Counsel appearing for the applicant and Mr. P.R.J.Dash, Ld. A.S.C. for the Respondents appearing on notice. We have considered the entire argument on the either side and grounds urged in the O.A.

3. Admittedly, the husband of the applicant has been allowed to retire voluntarily on medical ground and the applicant also has applied for appointment under the employment assistance scheme, which is now pending before the authorities. However, the question relates to continuation of the applicant and her family with her ailing husband in the quarters. As per ^{the} ~~extent~~ ^{discretion} rules for allotment of quarters, it is the ~~duty~~ ^{discretion} of the Respondents department to take

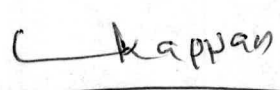
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such decision as per rules.

5. Having considered the facts and circumstances of the case, we are not inclined to take any decision in the matter, except directing the Respondents, particularly, Respondent No.2, to consider Annexure-A/12 representation sympathetically and in accordance with rules governing occupation of govt. accommodation in the instant case

6. Accordingly, we dispose of this O.A. with direction to Respondent No.2 to consider Annexure-A/12 representation within a reasonable time, at any rate, within 30 days from the date of receipt of a copy of this order and communicate the decision thereon to the applicant. Till a final decision is taken by the Respondent No.2 on Annexure-A/12, any order of eviction shall not be passed against the applicant and her family. Ordered accordingly. No costs.


Member (Admn.)


Member (Judl.)

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