

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No.O.A.200 of 1997

Present : Hon'ble Mr.D.Purkayastha, Judicial Member.

MOUMITA NEEGI D/o Late R.N.Neegi  
(who was Chargeman in CLW),  
Electric Fitter, T.No.19/1176  
Chittaranjan and resident of  
Quarter No.13/A, Street No.79,  
Chittaranjan-713 331 (Burdwan).

... Applicant

vs.

1. Union of India through the General Manager,  
C.L.W., Chittaranjan-713 331.
2. Dy.Chief Personnel Officer (W), CLW  
Chittaranjan.

... Respondents

For the applicant : Mr.B.Chatterjee, counsel.  
Ms.B.Mondal, counsel.

For the respondents: Mrs.Uma Sanyal, counsel.

Heard on : 2.7.1998

Order on : 2.7.1998

ORDER

The applicant, Moumita Neegi, a divorcee and daughter of Late R.N.Neegi, Chargeman, who died in harness, has filed this application for a direction upon the respondents to allot her a quarter on an out-of-turn basis by considering her case sympathetically for the reasons stated therein.

2. It has been stated by the applicant that after the death of the ex-employee, R.N.Neegi, his widow, the applicant's mother, prayed for allotment of a quarter in the name of Shri Anup Paul, who was the husband of the applicant in lieu of any compassionate appointment and the respondent-authorities considered her prayer and allotted a quarter to Shri Anup Paul upon his undertaking that he would look after the widow of the deceased. But, unfortunately, the marriage tie of the present applicant with Shri Anup Paul had been broken by a decree of

divorce and Shri Anup Paul has already vacated the quarters allotted to him. It is also stated by the applicant that after the divorce, she has been appointed on compassionate ground by the authorities in the skilled artisan category. The applicant who is living with her widowed mother has now prayed for allotment of a quarters in her favour on a compassionate ground on an out-of-turn basis, taking a sympathetic view as had been shown to her by the authorities earlier.

3. The respondents have denied the claim of the applicant by stating in their reply that the applicant was given an appointment on compassionate ground only in the year 1994 after a sympathetic view was taken by the authorities, although the mother of the applicant <sup>being</sup> and the widow of the deceased employee had waived her right for such compassionate appointment <sup>allotment of</sup> ~~when~~ her prayer for a quarters in the name of Shri Anup Paul ~~husband of the applicant~~ was allowed by the authorities. Thereby, no further consideration or a sympathetic view in favour of the applicant is required to be taken in this case as the applicant is not entitled to get a quarters on out-of-turn basis. Hence, this application is to be dismissed.

4. I have heard the ld.counsel for both the parties over the matter.

5. Ld.counsel for the applicant submits that on a sympathetic consideration, the applicant may be allotted a quarters, as per her status, on out-of-turn basis.

6. Mrs.Uma Sanyal, ld.counsel for the respondents, submits that the respondents had already considered the case of the widow sympathetically and hence there cannot be any question of allotment of quarters in favour of the applicant on out-of-turn basis without following the seniority and rules.

7. I have considered the submissions of the ld.counsel and gone through the records. I find that the respondents had already shown sympathy for the purpose of appointment of the applicant on compassionate ground on the face of <sup>a fact that</sup> the widow of the deceased employee waived <sup>her</sup> her right earlier for such

compassionate appointment on the applicant's husband being allotted a quarters. In the instant case, after the divorce, Shri Anup Paul who was the husband of the applicant, has already vacated the quarters allotted to him on the prayer of the widow. ~~However~~ Mrs. Uma Sanyal, has submitted that she has no information regarding such vacation of the quarters by Shri Anup Paul. However, I am of the view that the right of allotment of quarters is not a vested right and the department is to allot the quarters as per rules and according to seniority. However, on some occasions, department is left with the discretion to consider the case of genuine employees under certain contingencies.

8. In view of the aforesaid circumstances, I hold that the respondents may consider the case of the applicant sympathetically and see whether a quarters can be allotted in her favour without disturbing the seniority and without depriving the chance of other enlisted candidates.

9. With the above observation, the application is disposed of. No order is made as to costs.

*H. Singh*  
21/2/98  
(D. Purkayastha)  
Judicial Member