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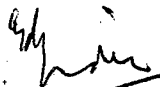
2. The respondents have not given any reasons why the compassionate appointment was delayed till 7-7-1987. The applicant also states that he is entitled to Type-I quarter and the quarter which is occupied by him and which was originally allotted to his father is also of the same type. Here again, the respondent's counsel is not able to confirm or deny whether the quarter in question is of the same type to which the applicant is entitled. The learned counsel for the applicant also argued that the instructions of the Railway Board to the effect that the time gap between the date of the employee's death and securing appointment by the dependent should not exceed 12 months for the purposes of regularisation of the quarter do not apply in the present case, since these instructions cover only such cases where the accommodation had been vacated, ^{and} the applicant has still not vacated the accommodation. We do not, however agree with this contention as it would mean putting a premium on dependants clinging to the quarter even beyond 12 months after employees death, and placing such persons in a more advantageous position, than the employee's families who vacate the accommodation within 12 months. However, we consider that the applicant is entitled to the quarter if it is of the same type to which he is eligible since the respondents are not able to explain why there has been an abnormal delay in deciding about the compassionate appointment.

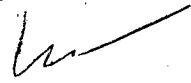
3. The learned counsel for the respondents was however apprehensive that the applicant may not be entitled to the present quarter and for ~~the~~ quarter of his category, he has to make a separate application and wait for allotment in his turn after other compassionate appointees who have applied

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applied before him are first provided with quarters.

4. We, therefore, direct that the respondents should regularise the quarter presently occupied by the applicant if he is entitled to it, within 4 weeks from the receipt of this order, unless there are other employees appointed on compassionate ground but who had vacated their quarters before such appointment, still waiting for allotment. If there are such compassionate appointees on the waiting list or if the quarter in the applicant's occupation is not of his entitlement, the respondents will be free to evict the applicant from the present quarter in accordance with law. He will have to make the required application in that case to the respondents for out of turn allotment of a quarter of his category and wait for such allotment in his turn. This O.A. is disposed of with this direction. There will be no order as to costs.


(M.Y. Priolkar)
Member(A)


(U.C. Srivastava)
Vice-Chairman