

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 1393/94  
Transfer Application No.

Date of Decision : 21.6.95

Xavier Kennady Raj Veruvel Anthony

Petitioner

Shri A.I. Bhatkar

Advocate for the  
Petitioners

Versus

Union of India and others.

Respondents

Shri V.S. Masurkar

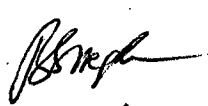
Advocate for the  
respondents

C O R A M :

The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble Shri

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

  
(B.S. Hegde)  
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

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Original Application No. 1393/94

Xavier Kennady Raj Veruvel Anthony ... Applicant.

V/s.

Union of India through  
Deputy Director (Policy)  
Directorate of Estates,  
Nirman Bhavan,  
New Delhi.

The Estate Manager,  
Old CGO Bldg.,  
Annexe, 3rd Floor  
101 Maharashi Karve Road,  
Bombay.

The Flag Officer Commanding-in-  
Chief, Headquarters Western  
Naval Command, Shahid Bhagatsingh  
Road, Bombay.

... Respondents.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Appearance:

Shri A.I. Bhatkar, counsel  
for the applicant.

Shri V.S. Masurkar, counsel  
for the respondents.

ORAL JUDGEMENT

Dated: 21.6.95

¶ Per Shri B.S. Hegde, Member (J)¶

Applicant's father was employed with respondent No.3 as a Chowkidar and while in service he expired on 12.5.90. Immediately thereafter applicant's mother made representation dated 15.6.90 to the Competent Authority for compassionate appointment of his son. The applicant made application to the competent authority on 4.7.90 for compassionate appointment. After protracted correspondence between the applicant and the department the applicant was ultimately appointed as L.D.C. on 11.5.93.

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In the light of the above, the learned counsel for the applicant urged that the quarter allotted to his father should be regularised in the name of the applicant and to quash the Eviction Order passed by the respondents on 15.12.94. I have perused the pleadings. Heard both the counsel.

The respondents in their reply have taken a stand regarding adhoc allotment in the names of near relations of Government servants who die while in service the request for adhoc allotment to an eligible dependant may also be considered in case the dependant gets an employment in an eligible office even after the death of the officer provided such an appointment is secured within a period of 12 months after the death of the officer and clearance of all dues outstanding in respect of the premises in occupation of the deceased officer shall be an essential condition for consideration of an allotment. During the course of hearing, the learned counsel for the applicant stated that after the appointment of the applicant in the department, he has been paying normal rent to the respondents and he is willing to pay the normal rent immediately after the death of the father till he gets the employment in the department. Admittedly no payment was made so far. There is no dispute regarding the facts between the parties. Admittedly, the applicant got compassionate Appointment after a lapse of one year after the death of his father. Thereby he cannot seek regularisation of quarter as a matter of right in his name. However, after considering the recent decision of the Full Bench of Principal Bench in OA 2684/93 in the case of Lisquat Ali Mehmood Ali and Abr. V/s. Union of

India and others. Wherein they have stated that seeking allotment of quarter is not a matter of right and it is also not the condition of service. The subject matter of this case is covered by the ratio laid down by the decision of the Full Bench of Principle Bench. Therefore, the applicant's prayer for regularisation of quarters cannot be acceded to.

In view of the peculiar circumstances and facts of this case, I hereby direct the respondents to calculate the amount due to the respondents from 1990 till the Eviction Order was passed i.e. 15.12.94 and recover normal rent from the applicant and thereafter i.e. from 15.12.94 till vacation of quarter they are entitled to claim double the rent from the applicant. The respondents is further directed to calculate the amount and communicate the same to the applicant within a period of four weeks from the date of receipt of this order. On receipt of the same, the applicant is directed to make payment within four weeks as per the demand. In the circumstances, the applicant at any rate is directed to vacate the quarter in occupation positively by 31.8.95. Failure to do so, the respondents are at liberty to proceed with contempt if they so desire.

In the result I do not find any merit in the O.A. and the same is liable to be disposed of with the above direction. This under any circumstances should not be treated as a precedent and I am perforce to give the aforesaid direction the facts and circumstances of the case. No order as to costs.

  
(B.S. Hegde)  
Member (J)

dt 21/6/95  
Order/Judgement despatched  
to Applicant/Respondent (s)  
on 5/7/95

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