

(X)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No.18/95

Mrs. Shubhangi Subhash Amre

... Applicant.

V/s.

Union of India through
the Estate Manager,
Old CGO Building Annexe
3rd floor, 101 Maharashi
Karve Road, Bombay.

The Development Commissioner
Small Scale Industries
Nirman Bhavan,
New Delhi.

... 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 respondent No.1

Shri R.K. Shetty, counsel
for respondent No.2

ORAL JUDGEMENT

Dated: 21.6.95

(Per Shri B.S. Hegde, Member (J))

Applicant's husband Shri Subhash D. Amre, was working as a L.D.C. under respondent No.2 while in service applicant's husband expired on 25.4.93 leaving behind a big family of five members including the applicant. Applicant's husband was allotted with Government accommodation and they were staying in the same accommodation till date. After the death of her husband immediately the deceased wife made an application for compassionate appointment. So far no response from the respondents. In the circumstances, she may be permitted to stay till she gets compassionate appointment and give direction to the respondents to regularise the quarter in her name. As stated earlier so far she did not get compassionate appointment. It is true that she got three minor children the prayer made by

the applicant is not sustainable under law.' However after considering the recent decision of the Full Bench of Principal Bench in O.A. 2684/93 in the case of Lisquant Ali Mehmood Ali and Anr. 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 the Principle Bench. Therefore, the applicant's prayer for regularisation cannot be acceded to.'

Heard the parties and perused the pleadings.

In view of the peculiar circumstances of the applicant and considering the facts of this case I, hereby direct the respondent No.1 to calculate the amount due to the respondents from 25.4.93 till the eviction order was passed i.e. 22.12.94 and recover normal rent from the applicant and thereafter i.e. from 22.12.94 till the vacation of the 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.

(1)

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 in the facts and circumstances of the case. No order as to costs.


(B.S. Hegde)
Member (J)

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