

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO: 1011/97

Date of Decision: 31-3-58

Smt. P.P. Pawar

.. Applicant

Shri R.R. Dalvi.

.. Advocate for  
Applicant

-versus-

Union of India & Ors.

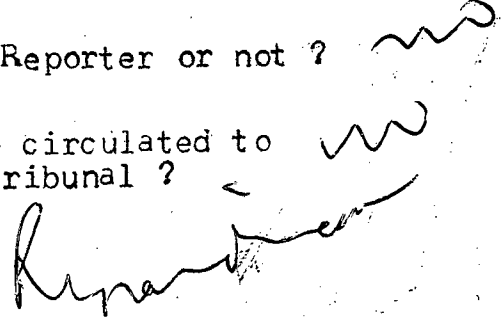
.. Respondent(s)

Shri V.S. Masurkar & Shri R.R. Shetty Advocate for  
Respondent(s)

CORAM:

The Hon'ble Shri Justice R.G. Vaidyanatha, Vice-Chairman,  
The Hon'ble Shri P.P. Srivastava, Member(A).

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

  
(R.G. VAIDYANATHA)  
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.1011/ 97.

Tuesday, this the 31st day of March, 1998.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,  
Hon'ble Shri P.P.Srivastava, Member(A).

Smt.P.P.Pawar,  
W/o. Late P.Y.Pawar  
Ex-Statistical Assistant,  
O/o.Jt. Director of Census  
Operations,  
Mumbai - 400 001.

... Applicant.

(By Advocate Shri R.R.Dalvi)

V/s.

1. Estate Manager,  
Govt. of India Estates,  
Old CGO Bldg.,  
2nd Floor, Annexe,  
M.K.Road, Churchgate,  
Mumbai - 400 020.
2. Director of Estates, Ministry  
of Urban Development,  
Government of India,  
New Delhi - 110 001.
3. Joint Director of Census  
Operations, Maharashtra,  
Exchange Building,  
Sir Shivsagar Ramgulam Marg,  
Ballard Estate,  
Mumbai - 400 001.
4. Registrar General, India,  
Kotah House Annexe 2/A, Mansingh  
Road,  
New Delhi - 110 011.
5. Secretary to the Government of  
India, Ministry of Home Affairs,  
Mantralaya,  
New Delhi - 110 001.
6. Secretary to the Government of  
India, Ministry of Urban Development,  
Mantralaya,  
New Delhi - 110 001.

... Respondents.

(By Advocate Shri V.S.Masurkar  
and Shri R.R.Shetty).

O R D E R


(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

In this O.A. the applicant has prayed for compassionate  
appointment and also for retention of quarters till 28.2.1998.

...2.

Now it is brought to our notice that the applicant has been given appointment on compassionate grounds. Therefore, the main relief asked for in the application no longer survives since the prayer has been conceded by the department. Even the other prayer regarding retention of quarters till 28.2.1998 also does not survive since the period has already expired.


2. The learned counsel for the applicant submitted that ~~the~~ the applicant is now entitled for out of turn allotment of quarters since now she has been given a job. On this point we do not want to express any opinion. If the applicant is entitled to the same quarters or some other quarters for allotment on out of turn basis, it is open to the applicant to make an application to the department for allotment of quarters on whatever grounds that is permissible under law. The department to pass appropriate orders on such a request made by the applicant within four weeks from the date of receipt of application according to rules. In case the applicant is not satisfied with the order of the respondents or she is aggrieved by the order she may challenge the same according to law. It is also open to the respondents to consider the case of the applicant for out of turn allotment of quarters on compassionate grounds in view of the death of her husband and particularly because she is a Scheduled Caste candidate.

3. In the result, the O.A. is disposed of subject to the above observations. We hereby permit the applicant to retain the quarters for a period of one month from  to day and in the meanwhile she can apply to the department

...3.



for allotment of quarters as mentioned above. The question whether the applicant is liable to pay normal rent or penal rent is left open to be decided as per rules. No costs.

  
(P.P. SRIVASTAVA)  
MEMBER(A).

  
(R.G. VAIDYANATHA)  
VICE-CHAIRMAN

B.