

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
(CIRCUIT BENCH AT SHIMLA)**

...
Reserved on: 17.05.2018

OA No.063/01196/2017

Date of decision- 01.06.2018.

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

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Chandra Vati Wd/o Shri Surinder Kumar, R/o Village Navog Post Office Bhont, Tehsil and District Shimla, H.P.

...APPLICANT

Present : Ms. Ranjana Parmar, Sr. Advocate with Ms. Rashmi Parmar, Advocate.

VERSUS

1. Union of India through Secretary Ministry of Labour and Employment, New Delhi.
2. Director, Labour Bureau, Shimla.
3. Estate Officer, Grand Hotel, Shimla-I.

...RESPONDENTS

Present : Mr. Anshul Bansal, Advocate.

ORDER

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HON'BLE MRS. P. GOPINATH, MEMBER (A):-

This is a case whether the applicant's husband met with an accident and expired while on tour on 02.02.2015. The applicant, who is the wife of the deceased employee was not offered compassionate appointment, but appointment on contract basis, vide order dated 14.05.2015. Since the appointment was on contract basis, the application for retention of government accommodation was rejected. In the event of death of a government servant the govt. accommodation is retained for a period of two years. But the respondents rejected the case of the applicant for retention of government accommodation, despite the fact that the rules permitted it. This court had therefore, vide order dated 07.12.2017 permitted the applicant to

charge the normal rent of accommodation to be retained by family of a deceased employee as per rules applicable.

2. The respondents argument is that, a compassionate appointment cannot be offered to the applicant, as there is no vacant post available as only 5% quota are reserved for appointment on compassionate ground. But in order to provide immediate relief and succor to the family, the applicant was employed as Investigator Grade-II on 14.05.2015 on contract basis, which was renewed from time to time. The appointment of the applicant on compassionate ground would take place as per merit alongwith other similarly situated employees as and when a vacancy arises. The request of the applicant for retention of the quarter beyond the normal period of two years, and in view of the fact that she has not been made an offer of appointment on regular basis cannot be acceded, as there are no rule to cover such a contingency.

3. This Tribunal is not in a position to direct the respondents to give an appointment to the applicant as the rules of compassionate appointment has fixed a 5% quota. Further the case of the applicant would be considered with other similarly placed persons and considered on merit as and when a compassionate appointment vacancy arises. Counsel for the applicant submits that the applicant has vacated the government accommodation. Solely on a sympathetic ground not to be quoted as a precedent and also since, the applicant has vacated the quarter, and in view of the circumstances in which applicant is placed, the applicant may be charged the same rent as she was charged for two years past death as allowed under the rules on the demise of the government servant. Therefore, the instant Original Application is hereby disposed of accordingly.

(SANJEEV KAUSHIK)
MEMBER (A)

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(P. GOPINATH)
MEMBER (J)

Dated: 01.06.2018.