

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.210/00322/2019

Date of Decision: 15th July, 2019

CORAM: R.VIJAYKUMAR, MEMBER (A)

1. Latika Ashok Bhujbal, Age 53 years, Occ : Housewife.
2. Ashish Ashok Bhujbal, Age 29 years, Occ : unemployed.
3. Akshay Ashok Bhujbal, Age 26 years, Occ : unemployed.
4. Adesh Ashok Bhujbal, Age 23 years, Occ : unemployed,
Residing at I/32, C.P.W.D. Quarters,
Mukund Nagar, Pune 411 037. *Applicants*

(By Advocate None)

VERSUS

1. Union of India, Through its Secretary,
Ministry of Housing & Urban Affairs,
Central Public Work Department,
Nirman Bhavan, Maulana Azad Road,
New Delhi 110 011.
2. The Estate Manager cum Executive Engineer,
Central Public Work Department,
Pune Central Division I and II,
Mukund Nagar 411 037. *Respondents*

(By Advocate Shri V.S.Masurkar)

ORDER (Oral)

This application has been filed on
04.04.2019 under Section 19 of the
Administrative Tribunals Act, 1985 seeking
the following reliefs :-

“8.a) This Hon'ble Tribunal may kindly call for the records and proceedings of the compassionate appointment application made by the Applicants and after going through the same and after satisfying the legality, validity and propriety, be pleased to issue a direction directing to decide the said application

within such period as this Hon'ble Tribunal may deem fit and proper.

8.b) That this Hon'ble Tribunal further be pleased to quash and set aside the demand notice of market rate damages dated 22/2/2019 issued by the Respondent and be pleased to restrain the respondent from initiating action against the present Applicant till the application for compassionate appointment is decided by the Respondent finally.

8.c) That this Hon'ble Tribunal further be pleased to quash and set aside the letter dated 15/03/2019 issued by the Respondent and be pleased to restrain the respondent from initiating action against the present Applicant till the application for compassionate appointment is decided by the Respondent finally."

2. The applicants have also filed MA No.309/2019 for joint application since they are the spouse and adult children of the deceased employee, who demised on 14.11.2016. They had filed their representation seeking compassionate appointment with the respondents through the eldest son aged 29 years which was received on 04.10.2017 by the respondents at Pune. No orders have been passed in respect of the compassionate appointment. The applicant has also made out a letter dated 05.02.2019 to the respondents for continuing in the official accommodation after the death of the applicant No.1's husband who was the employee of the respondents.

3. At the outset, joint application is allowed considering the circumstances and facts noted therein. Further in this application, relief is sought for compassionate appointment to be considered by the respondents and secondly, it is also seeking a mandamus to the respondents to permit the applicants to continue to occupy the official accommodation allotted to the deceased employee. Such multiple reliefs are not permitted in a single OA and considering the fact that allotment of Government accommodation is not a service condition and cannot be brought within the ambit of the definition of service matters under the CAT Act in Rule 3(q)(5), this Tribunal has no jurisdiction in this matter as held by the Hon'ble High Court of Delhi in **Smt. Babli and Another Vs. Government of Delhi and others, 95 (2002) DLT 144.** Further, it appears that a demand notice and Section 4 notice under PP Act has already been issued to the applicant on 16.11.2018 (Annexure A-10). Therefore, in terms of the judgment of the Hon'ble Apex Court in **Union**

of India Vs. Rasila Ram and others, decided
on 06.09.2000 reported in (2001) 10 SCC 623
only recourse available to the applicant is
under the Public Premises Act.

4. With regard to the request of compassionate appointment, it appears that the respondents have not addressed the request of the applicant and it is incumbent on them to consider the application filed by the applicants and to take a considered view on the matter in accordance with the applicable rules. Therefore, the respondents are directed to consider the application already lying with them for compassionate appointment and to pass a reasoned and speaking order within a period of twelve weeks from the date of receipt of a certified copy of this order and to communicate these orders to the applicants within two weeks, thereafter.

5. In the above terms, this OA is disposed with without any order as to costs.

(R. Vijaykumar)
Member (Administrative)

kmg*