

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.22985 of 2014 (O&M)

Date of Decision: 30.06.2015

Ramita Kumari

... Petitioner

VS.

Chandigarh Admn. & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Present: Mr. VPS Mattewal, Advocate for the petitioner

Ms. Sonia Sharma, Advocate for respondents No.1to5

SURYA KANT, J. (Oral)

(1) The petitioner impugns the order dated 14.08.2014 whereby the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') has dismissed her Original Application in which she had laid challenge to the eviction order passed in respect of Government quarter No.13/2621-A, Sector 27, Chandigarh.

(2) Unfortunate facts and circumstances which led to the initiation of these proceedings are that the petitioner's father was working as a Peon in the Engineering Department, Construction Circle No.1, UT Chandigarh. He died in harness on 28.01.2011 leaving behind his widow, two daughters and two sons. One of the brothers of petitioner applied for employment on compassionate grounds but it was declined on the ground that he was illiterate

whereas the prescribed qualification for the post of Peon was 8th pass. Thereafter, the petitioner who is Matriculate in place of her brother. She was found eligible and entitled for employment and her name has been included in the priority list but her turn is yet to reach.

(3) Learned counsel for the UT Administration informs that the petitioner is now at Sr.No.34 after a few more appointments made meanwhile.

(4) While the petitioner or her brother was struggling to seek employment on compassionate grounds for the family was left with no source of sustenance, the allotment of Government quarter to the deceased employee was cancelled and the family of the deceased was ordered to be evicted. The Tribunal has declined to interfere in that eviction order.

(5) This Court on 12.11.2014, as an interim measure, directed that the petitioner's case for appointment on compassionate grounds be expedited and meanwhile, the family of the deceased be not dispossessed from the subject quarter.

(6) Having heard learned counsel for the parties and keeping in view the fact that it is likely to take some more time in petitioner's actual appointment as per her turn in the priority list, we do not deem it necessary to keep this case pending. In our considered view, the family of deceased employee, having regard to their financial condition and social background, need not be

thrown on the road more-so when the petitioner has been found eligible for appointment under the *ex gratia* policy and is awaiting her turn.

(7) The writ petition is accordingly disposed of with a direction that the family of the deceased employee shall not be dispossessed from the official quarter subject to payment of the rent/user charges at the rate as was being paid by the deceased employee, till the petitioner's turn reaches for appointment on compassionate ground. No sooner the petitioner is appointed, the respondent-authorities would consider the allotment of subject quarter to her and regularize the possession subject to other usual terms and conditions and other eligibility conditions for such allotment under the Rules.

(8) Ordered accordingly. ***Dasti.***

(Surya Kant)
Judge

30.06.2015
vishal shonkar

(P.B. Bajanthri)
Judge