

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1708/2002

Friday, this the 5th day of July, 2002

Hon'ble Shri S.A.T. Rizvi, Member (A)

Rukemkesh S/o Late Shri Kishori Lal,
(Safai Karamchari, Rank No.577)
R/o H.No.14/313, Dakshin Puri Extn,
New Delhi-110062.

..Applicant

(By Advocate: Shri Rajinder Pathak)

Versus

Union of India : Through

1. Secretary (Health),
Ministry of Health,
Nirman Bhawan,
New Delhi.
2. Medical Superintendent,
Safdarjung Hospital,
New Delhi.

..Respondents

O R D E R (ORAL)

Shri Kishori Lal, a Safai Karamchari, working under the Medical Superintendent, Safdarjung Hospital, New Delhi, died in harness on 01.01.1998 giving rise to a petition for compassionate appointment by his son, the present applicant. The matter was not taken up for consideration by the respondents for a long time and this led to the filing of ^{an} ~~the~~ OA, being OA No.2124/2001, which was decided on 22.8.2001 with a direction to the respondents to consider the various representations/legal notices filed by the applicant and to take a decision in the matter in two months' time. The Tribunal had also directed the respondents to disclose reasons in the event of rejection of the applicant's claim. In pursuance of the aforesaid directions, the respondents have issued OM dated 13.11.2001 (A-5) by which the applicant's claim for compassionate

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appointment has been rejected on the ground that Smt. Chandrawati, the widow of the deceased employee, is already working in the Hospital as Safai Karamchari and there is no provision for giving compassionate appointment in cases in which a member of the family of the deceased employee is already employed. Learned counsel appearing on behalf of the applicant submits that Smt. Chandrawati is the second wife of the deceased employee. She lives separately and does not support the applicant and his brother and two sisters born to the other wife of the deceased employee. This fact was brought to the notice of the respondents, but they have failed to consider the same and passed the impugned order which is not justified in the circumstances of the present case.

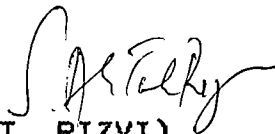
2. I have considered the submissions made by the learned counsel and find that the present OA can be disposed of at this very stage even without issuing notice with a direction to the respondents to consider the aforesaid specific circumstances of Smt. Chandrawati not being the mother of the applicant and the applicant ^{& having} ~~has~~ a brother and two sisters ^{& with} ~~and~~ all of them living separately from her (Smt. Chandrawati) and pass a reasoned and a speaking order afresh in continuation of the Memorandum dated 13.11.2001 expeditiously and, in any event, within a period of three months from the date of receipt of a copy of this order.

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3. The OA is disposed of in the aforestated terms..


(S.A.T. RIZVI)
Member(A)

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