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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-3388/2002

New Delhi this the 31st day of December, 2002.

Hon'ble Dr. A. Vedavalli, Member(J)

Smt. Ishwar Devi,
Widow of Late Sh. Sarwan Kumar,
House No. 1615,
Sector-8, Faridabad. Applicant

(through Sh. D.R. Gupta, Advocate)

Versus

1. Union of India through
Secretary,
Ministry of Urban Affairs and P.A.,
Nirman Bhawan, New Delhi.
2. Director of Printing,
Ministry of Urban Affairs and P.A.,
Nirman Bhawan, New Delhi.
3. The Manager,
Government of India Press,
Faridabad. Respondents

ORDER (ORAL)

Hon'ble Dr. A. Vedavalli, Member(J)

Heard.

2. When the matter came up for admission today learned counsel for applicant submitted that the applicant's husband, a government servant, died on 12.1.1999 and that she submitted an application for compassionate appointment of her son Mahender which was rejected by the respondents by impugned order dated 11.1.2002 and 09.04.2002 (Annexure A-1) at pages 7 & 8 of the OA. He further submits that on receipt of the second impugned order dated 09.04.2002, the applicant submitted one more

(A)

representation dated 3.6.2002 followed by a reminder dated 11.2.2002 (Annexure A-2 Colly.) and that there is no reply or response from the respondents as on date. Learned counsel contends that the grievance of the applicant regarding compassionate appointment ought to have been considered by the respondents in the light of the decision of the Hon'ble Supreme Court in the case of Balbir Kaur & Anr. Vs. Steel Authority of India Ltd. & Ors. (2000(4) Scale 670) and an order dated 12.02.2002 of this Tribunal in OA-1787/2001 (Smt. Kiran Devi & Ors. Vs. U.O.I. & Ors.) following the aforesaid judgement and that where the respondents were the same in Kiran Devi's case. A copy of the aforesaid order of the Tribunal submitted by him has been taken on record.

3. He prays that the OA may be disposed of at the admission stage itself with a direction to the respondents to dispose of the aforesaid representation within a particular time frame to be fixed by the Court.

4. The applicant seeks the following reliefs in this OA:-

"(i) To allow the application with cost.

(ii) To quash the impugned order dt.

11.01.02 and 09.04.02 whereby the request of the applicant for the





compassionate appointment of her son Sh. Mahender has been rejected arbitrarily.

(iii) To direct the respondents to reconsider the request of the applicant for the compassionate appointment of her son Sh. Mahender.

(iv) To pass such other or directions as this Hon'ble Tribunal may deem fit and proper under the circumstances and facts of the case."

5. On a consideration of the matter and in the interests of justice, the OA is being disposed of at the admission stage itself with the following directions:-

(a) Respondents are directed to examine the aforesaid representation dated 03.06.2002 on its merits and treating the grounds taken in the present OA also as additional grounds in the light of the relevant rules, instructions and judicial pronouncements on the subject and, in particular, the decision of the Hon'ble Supreme Court and the order

this Tribunal mentioned supra and dispose of the same with a detailed and reasoned order in accordance with law under intimation to the applicant within two months from the date of receipt of a copy of this order.

(b) In case any grievance survives further thereafter the applicant is granted liberty to approach this Tribunal again in appropriate fresh original proceedings, if so advised, in accordance with law.

(c) Registry is directed to send a copy of the OA along with a copy of this order to the respondents.

A. Vedavalli

(Dr. A. Vedavalli)

Member(J)

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