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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2550 OF 2002

New Delhi, this the 21st day of October, 2003

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Kumari Kusum Taneja
D/o Late Shri Mohan Ram Taneja,
Z-98, Dayalsar Road,
Prem Nagar,
Uttam Nagar, Delhi.

.....Applicant

(By Advocate : Shri S.Y. Khan)

Versus

Union of India, through

1. Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.
2. Director General
All India Radio & CEO, Prasar Bharti,
Akashvani Bhavan,
Sansad Marg, New Delhi.
3. Station Director,
All India Radio,
New Delhi.

.....Respondents

(By Advocate : Shri D.S. Mahendru)

ORDER (ORAL)

By this application under section 19 of the Administrative Tribunal Act, 1985, the applicant has made a prayer that the impugned order dated 30.7.2003 (Annexure A/1) informing her that the request for compassionate appointment has not been acceded to be quashed and the respondents be directed to issue an offer of appointment to her.

2. The applicant is one of the three daughters, who were dependent on the deceased Govt. employee - Shri Mohan Ram Taneja who died in harness on 6.8.1997. It is stated by the learned counsel of the applicant that the mother of the applicant had

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pre-deceased her father. The other two sisters are minors and fully dependent on her now. Learned counsel further submitted that the committee, which considers the compassionate appointments, considered the case of the applicant as suitable one and placed her name at Serial No.1. It is also alleged that the persons, whose names are placed at serial No.2 and 3 of the panel for such compassionate appointment, had been offered appointments whereas the applicant's case has been rejected by a non-speaking order.

3. Learned counsel of the respondents stated that the impugned order dated 30.7.2002 does not contain any reason. Therefore, there was no objection to pass a speaking order afresh.

4. After hearing the learned counsel of the parties and after perusal of the record, it is seen that the impugned order rejecting the request of the applicant is to the following effect:-

"The undersigned is directed to refer to the representation dated 15.7.2002 submitted to C.E.O., Prasar Bharati by Kum. Kusum Taneja on the above subject and to state that the request of Kum.Kusum Taneja for compassionate appointment has not been acceded to."

Apparently, the same is not a speaking order.

5. The learned counsel of the applicant has invited attention to the decision of the Hon'ble Punjab and Haryana High Court in the case of Ashok Kumar Vs. State of Haryana, 2003 (1) ATJ 492. In that case, the

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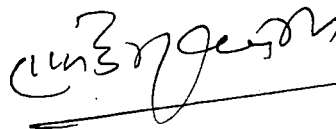
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(3)

Hon'ble High Court of Punjab and Haryana has held that the appointment on compassionate grounds cannot be rejected by a non-speaking order. The Hon'ble High Court had directed to reconsider that case.

6. Without going into the merits of the claim of the applicant at this stage, it is sufficient to mention that the impugned order is a non-speaking order. Therefore, the same is quashed. The respondents are directed to reconsider the case of the applicant in accordance with the Scheme of Compassionate Appointment. The learned counsel of the applicant at the bar stated that he may be given liberty to file a fresh representation stating her case containing the provision of the Scheme now on the subject for facilitating the appropriate order by the respondents. He may do so within a week from today. The respondents may examine the facts of this case and allegations made and pass a fresh order within a period of four weeks from the date of receipt of a copy of the representation from the applicant under intimation to the applicant.

7. In view of what is stated in the preceding paragraph, the OA is disposed of without any order as to costs.



(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER

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