

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

Original Application No. 291/50/2018

DATE OF ORDER: 28.02.2020

CORAM

HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER

Smt. Indra Devi W/o Late Shri Virendra Das, aged about 40 years, R/o House No. 5, Harijan Basti, Paltan Bazar, Ajmer, Rajasthan, (Late V. Das was working as class IV emp. in group D in office of Resp. No. 3).

....Applicant

Shri Vinod Goyal, counsel for applicant.

VERSUS

1. Union of India through Secretary, Ministry of Defence, New Delhi, South Block, New Delhi.
2. Director General Staff Duties, SD-7 (Adm. Civ) General Staff Branch, Integrated H.Q. of Ministry of Defence (Army), DHQ PO, New Delhi – 110011.
3. S.S.O., Station Head Quarter, Nasirabad, Ajmer.

....Respondents

Shri Amit Mathur, proxy counsel for
Shri V.D. Sharma, counsel for respondents.

ORDER (Oral)

The applicant's husband had been working as a Class IV employee with the respondents. Unfortunately, he expired while in service on 31.12.2016 leaving behind five minor daughters and the widow (applicant herein). After his death, a request was submitted by the applicant seeking employment on compassionate grounds as the family is living in a penurious condition. Since the respondents failed to take a decision within a reasonable time, therefore, under compelling circumstances, the applicant preferred the present Original Application seeking therein the following relief: -

- "1. The respondents may kindly be directed to grant and accord the appointment to the applicant on compassionate ground in Class IVth Service with all consequential benefits.
2. Any other order which has been passed and to be passed during the pendency of the Original Application may also be taken on record and may kindly also be set aside.
3. Cost be quantified in favour of the applicant."

2. Shri Vinod Goyal, learned counsel for the applicant submitted that on 15th April, 2019 a letter was issued by the O/o Dte Gen Staff Duties, SD-7 (Adm Civ), General Staff Branch, Integrated HQ of MOD (Army), DHQ PO, New Delhi addressed to the HQ Southern Command (GS/SD) with a copy to Stn HQ Nasirabad as well as to the applicant herein, whereby various documents were requisitioned. A copy of the said letter dated 15th April, 2019, as produced by learned counsel for the applicant in the court, is ordered to be taken on record and marked as 'X'. Learned counsel further submitted that pursuant to letter dated 15th April, 2019, Stn HQ Nasirabad supplied all the requisite documents as desired by the Integrated H.Q. of Ministry of Defence. He further submitted that the matter of the applicant has been considered by the Board of Officers and a recommendation has also been made to the competent authority on 21st May, 2019 for granting appointment as Conservancy Safaiwali to the applicant on compassionate grounds. A copy of the recommendation dated 21st May, 2019 is also ordered to be taken on record and marked as 'Y'.

3. It is the contention of learned counsel for the applicant that a period of about nine months has elapsed but uptil today no action has been taken by the respondents despite there being a

recommendation by the Board of Officers for grant of appointment to the applicant on compassionate grounds.

4. Learned counsel for the applicant further submitted that the family of the applicant is living in penurious condition and if the respondents fail to take a decision expeditiously, the whole purpose of granting appointment on compassionate grounds pursuant to the policy guidelines in vogue shall be defeated. Learned counsel still further submitted that the applicant would be satisfied if a direction is issued to the respondents to treat the present Original Application as applicant's representation and take a decision over the same while keeping in view the recommendations made by the Board of Officers on 21st May, 2019.

5. Keeping in view the afore-stated limited prayer made by learned counsel for the applicant, I deem it appropriate to dispose of the present Original Application without entering into the merits of the case.

6. Accordingly, the Original Application is disposed of with a direction to respondents to treat the present Original Application as applicant's representation and while keeping in view the recommendations made by the Board of Officers on 21st May, 2019, take a decision over the same within a period of two months from the date of receipt of a certified copy of this order and if the applicant is otherwise found eligible to hold a suitable post, the same shall be offered to her forthwith.

7. Ordered accordingly. No order as to costs.

(SURESH KUMAR MONGA)
JUDICIAL MEMBER

Kumawat