

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2373/2001

New Delhi, this the 13th day of February, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

1. Vijay Pal S/o Late Sh. Kanwar Pal,
R/o A-3/31, Gharoli, Delhi.
2. Mrs. Omwati W/o Sh. Kanwal Pal,
R/o A-3/31, Gharoli, Delhi. Applicant
(By Advocate: Sh. M.K.Bhardwaj)

Versus

Union of India and others
through,

1. The Secretary,
Govt. of India,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.
2. The Director General,
C.P.W.D.,
Niram Bhawan, New Delhi.
3. The Supdt. Engineer,
C.P.W.D. Vidyut Bhawan,
New Delhi. Respondents
(By Advocate: Sh. B.K.Berera)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

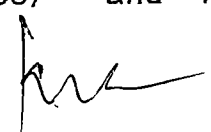
Applicant, Vijay Pal and his mother Smt. Omwati have jointly filed this OA whereby they are seeking a direction to the respondents to consider the case of the applicant for the appointment of applicant No.1 on compassionate ground on a suitable post.

2. The facts as alleged by the applicant are that Sh. Kanwar Pal, the father of applicant No.1 was working as Electrician Wireman/Tar Mistri in the respondents' department, who died on 9.12.96 while in harness. It is further stated that before his death, the deceased Kanwar Pal could not have discharged any of his family liabilities with regard to marriage of his son or arrangement of an abode for the family. The family has also received a very meagre amount as retiral benefits which

Ku

is not sufficient for the family to make both ends meet and has thus rendered in a miserable state and they have no source of income. They had also made a representation to the department for the appointment of Applicant No.1 on any suitable post but the representation of the applicant was turned down vide an order Annexure A-1 dated 20.1.99 whereby the applicant were informed that the request of the applicants for grant of appointment on compassionate grounds have been turned down by the competent officer. It appears that the applicants have made a representation against this order to the department and vide Annexure A-2 which is on page-10 that is letter datd 10.12.99 the applicants were called upon to appear in person and was given a personal hearing to support their case for appointment on compassionate grounds. They were also asked that if they want to give some other petition they may bring the same also. It appears that personal hearing was also afforded to the applicant but no order seems to have been passed after personal hearing given to the applicants and after the applicants had given a second representation as desired, as per the letter of the respondents dated 10.12.99. So the applicant prayed that the respondents be directed to offer an appointment to the applicant on compassionate grounds.

3. The respondents are contesting the OA. The respondents submitted that the case of the applicant was considered by the competent authority and it was observed from the application submitted by the applicant that Sh. Shees Pal and Sh. Veer Pal, the elder sons of the applicant No.1 were gainfully employed and were getting Rs.5000/- and Rs.3000/- p.m.



respectively. The respondents also admitted that the applicants were given personal hearing on 27.12.99 but their case for appointment was rejected.

4. I have heard the learned counsel for the parties and gone through the record.

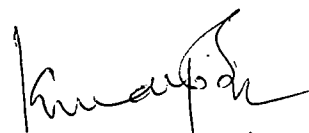
5. As regards the personal hearing given to the applicants is concerned, since the same is admitted but the order rejecting the representation of the applicant or as to what had happened after the personal hearing is not on record though the learned counsel for the respondents submitted that the case for their personal appointment of the applicant was rejected. However, it appears that no such order was conveyed to the applicants rejecting their request for appointment on compassionate grounds nor any reasons have been assigned as to why their case has been rejected. The learned counsel for the respondents state that they were verbally informed about the rejection of the request of the applicant is quite strange as if the department has rejected the claims of the applicants without given even a proper hearing. Since no order of rejection has been placed on record after the personal hearing was given to the applicants on 21.12.99. I am of the considered opinion that the department should be called upon to pass a reasoned and speaking order on the representation of the applicant and the same should also be communicated to the applicants. Hence, the OA is allowed with the following directions.

The respondents are directed to pass a reasoned and speaking order on the representation of the applicant and also to



inform them the result of their
reconsideration of the representation within
a period of 2 months from the date of receipt
of a copy of this order.

No order as to costs.


(KULDIP SINGH)
Member (J)

'sd'