

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3099/2001

Tuesday, this the 13th day of November, 2001

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

Vimla Devi,
W/o Late NC(E) Bhim Sen Rajoria
Vill & P.O. Anupshahar, Mohala-Dilli Gate
Distt Bulandshahr - 202390

... Applicant

(By Advocate: Shri V.S. Tomar)

Versus

1. Air Officer Incharge (Personnel)
Air HQs (Vayu Bhawan)
Rafi Marg, New Delhi-110 011
2. Senior Personnel Staff Officer,
Hqs, Central Air Command, IAF,
Bamrauli, Allahabad
3. Commanding Officer,
35, Squadron, Air Force,
C/o 56 APO

..Respondents

O R D E R (ORAL)

Applicant whose husband died while in active service as a Safaiwala/Non-Combatant on 30.9.1997 prays for expeditious consideration of her claim for appointment in accordance with the Government of India's guide-lines on the subject of compassionate appointments.

2. The Registry has at the stage of scrutiny of the present OA raised an objection with regard to the jurisdiction of this Tribunal to entertain the present OA. I have considered this matter in the light of the submission made by the learned counsel and find that the aforesaid objection cannot be sustained. The applicant herein is a civilian and is seeking recruitment in a civilian post under the Defence set-up by way of compassionate appointment. Such a matter, in my view, is

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fully covered by the provisions made in Section 14 of the Administrative Tribunals Act, 1985.

3. Following her husband's death, the applicant sought compassionate appointment by her letter of 16.10.1997 (Annexure-A). This has been followed by several representations to the same effect without any response from the respondent-authority. From the material placed on record it appears that the respondent-authority has proceeded in this matter leisurely by calling for information in piece-meal including informations on matters which the respondent-authority is supposed to be aware of. The learned counsel submits that the leisurely manner in which the respondent-authority has been proceeded in this matter contravenes the various instructions issued on this subject in letter as well as in spirit. He has placed before me a copy of DOP&T's OM dated 29.7.1998 (Annexure A-12) which, inter alia, provides as under:

"4. The Welfare Office in each Ministry/Department should meet the members of the family of the deceased Government servant immediately after his death to advise and assist them in getting appointment on compassionate grounds. The applicant should be called in person at the very first stage and advised in person about the requirements and formalities to be completed by him.

5. A time norm of 6 to 8 weeks should be fixed for making compassionate appointments.

6. The Department of Personnel & Training should make arrangements for a periodic review of cases of compassionate appointments dealt with by Ministries/Departments with a view to reduce delay and to get feedback on the problems faced by Ministries/Departments in the implementation of the scheme of compassionate appointments."

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If one has regard to the aforesaid provisions, it is clear to me that the respondent-authority should have and is duty bound to decide the matter at the earliest possible. The aforesaid instructions go to the extent of laying down that the Department should meet the members of the family of the deceased Government servant immediately after his death to advise and assist them in getting appointment on compassionate grounds. The applicant should be called in person at the very first stage and advised in person about the requirements and formalities to be completed by him/her. Contrary to the aforesaid provision, I find that the respondent-authority has done precious little really to assist the applicant in this case. The last letter dated 25.9.2001 (Annexure A-11) from the Office of 35 Sqn. would show that the respondent-authority is still engaged in the exercise of verifying the movable and immovable properties of the family of the deceased employee and the annual income of his family. Such a verification, in my view, could have been made expeditiously in consultation with the civil authorities. Fed up with the delay that has taken place, the applicant has filed a detailed representation once again on 17.8.2001 (Annexure A-7) which is a legal notice. To this also there has been no response.

4. I have considered the matter in the light of the submissions made by the learned counsel and the aforestated facts and circumstances and find that the ends of justice will be duly met in the present OA by directing the respondent-authority, namely, Air Officer

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Incharge (Personnel). Air Headquarters, Vayu Bhawan, New Delhi (respondent No.1 herein) to consider the aforesaid representation/legal notice along with all the other representations filed by the applicant expeditiously and pass a reasoned and a speaking order latest by 31st December, 2001. While considering the applicant's claim, the aforesaid respondent-authority will also take into account all that has~~so~~ been stated by the applicant in the present OA, a copy of which will be supplied to him.

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



(S.A.T. Rizvi)
Member (A)

/pkr/

CA 3099/01

SB DB

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

ORIGINAL APPLICATION NO.

SHRI/SMT. Smt. Vimla Devi APPLICANT

VERSUS

Mr. Anil Kumar RESPONDENT

This application has been submitted to the Tribunal by
Shri/Smt. V.S. Tomar under Section 19 of
the Administrative Tribunal Act, 1985 and the same has been
scrutinised with reference to the points mentioned in the
Administrative Tribunal Act, 1985 and Procedure Rules, 1988.

The applicant has also filed a Misc. Application(s)
regarding (a) jurisdiction (b) joining (c) condonation of delay
and/or (d) Petition for Transfer. MA U/R 6 of CAT Procedure
Rules, 1987.

The application has been found in order and may be
listed in Court for admission/orders.

S.O. (Listing)

D.R. (J)

JOINT REGISTRAR

COURT NO. 87

DATE 13/11/01

<SBDB>

12/11/01

17/11