

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA No. 929/1999

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New Delhi this the 18th day of July, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Kr. Rajwinder Kaur
daughter of Late
Sh. Daljit Singh
R/O A-5, Rakabganj Fire
Station, New Delhi.
2. Smt. Suminder Kaur
widow of late Sh. Daljit
Singh R/O A-5, Rakabganj
Fire Station, New Delhi.

(None for the applicants)

..Applicants

Versus

1. Delhi Fire Service
Headquarters, Connaught Circus,
New Delhi through its Chief
Fire Officer.
2. Govt. of NCT of Delhi,
5, Sham Nath Marg, Delhi
through its Chief Secretary.

(By Advocate Sh. Ajesh Luthra)

..Respondents

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

This application has been filed by ~~the~~ two applicants praying for a direction to the respondents to immediately appoint applicant 1 on compassionate grounds as LDC and to release the retiral benefits due to the family on the death of Sh. Daljit Singh, father of applicant 1, who had died in service with the respondents on 30.7.1991.

2. As none has appeared for the applicants even on

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the second call, I have carefully perused the pleadings and considered the submissions made by the learned counsel for the respondents,

3. From the facts it is seen that after the death of the father of applicant 1, who had been employed as Driver with the respondents, applicant 2, widow, had made a representation to the respondents for appointment of her son Shri Amrik Singh on compassionate grounds, That request has been rejected by the respondents in August, 1996 on the grounds that he did not fulfil the physical requirements in accordance with the conditions for the post of Driver. Thereafter the applicant 1, who is daughter of the deceased employee had submitted a representation for compassionate appointment as LDC in August, 1997. This has also been followed by a reminder, for which according to the applicants, no reply has been received. Hence this OA.

4. Shri Ajesh Luthra, learned counsel for the respondents has submitted that the issue raised in this case is with regard to the compassionate appointment of ^{the 1st} ward of the deceased employee who had died in July, 1991. He has submitted that in the circumstances mentioned above, OA is belated and barred by limitation. According to him, the

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applicants were aware that their earlier application for appointment of her son as driver on compassionate grounds have been rejected in August/September, 1996, and even after making an application in respect of applicant 1 there has been delay for more than one year in filing the OA. However, it is noticed from the reply given by the respondents as late as 3.3.2000, ^{that it is} is with regard to the request made by applicant 1 for being considered for appointment on compassionate grounds. They have stated that the matter is under consideration before the competent authority. Learned counsel has, however, submitted that taking into account the facts and circumstances of the case, in case the competent authority disposes of the pending application of applicant 1 on the ground of limitation, that request should not be taken as condonation of delay generally, taken by the respondents. This submission is legally in order.

5. In the rejoinder, the applicant has relied on the submissions made by the respondents that the application of applicant 1 is under consideration with the Govt. of NCT of Delhi.

6. The respondents have submitted that gratuity has
Rs.

not been paid to the legal heirs of the deceased employee because they are still continuing in the Govt. accommodation, which is not in accordance with law and rules. They have also stated that as soon as the accommodation is vacated all the dues will be released immediately.

7. In the facts and circumstances of the case, the OA is disposed of with the following directions:-

(i) The respondents are directed to communicate to the applicants the decision, if any, already taken by them within two weeks from the date of receipt of a copy of this order;

(ii) In case the decision has not been taken so far, the same shall be done by a reasoned and speaking order, keeping in view the settled law on the subject, within one month from the date of receipt of a copy of this order, with intimation to the applicants;

(iii) Respondents shall also make payments of the dues to the applicants, subject to the conditions laid down in the relevant rules and regulations which shall be complied with by the applicants. It is made clear that applicants shall cooperate with the authorities to take action in accordance with law and rules. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

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