

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 145 of 1995
in
O.A. NO. 193 of 1994

New Delhi this the 3rd day of July, 1995.

THE HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
THE HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

1. Smt. Shakuntala Devi
wd/o Late Ved Prakash.

2. Vinod Kumar s/o Late Ved Prakash.

Both r/o Q. No. Type-I/70/720,
Ordnance Factory,
Muradnagar (Ghaziabad). ... Applicants

(By Shri V. P. Sharma, Advocate)

Versus

1. Shri S. R. Sridharan,
General Manager,
Ordnance Factory, Muradnagar,
Distt. Ghaziabad (UP).

2. Shri A. Jagdishan,
Director General,
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta.

... Respondents

O R D E R (ORAL)

Shri Justice S. C. Mathur -

The applicants allege disobedience by the respondents of the Tribunal's order dated 19.1.1995 passed in O.A. No. 193/94.

2. In the aforesaid O.A., the applicants had prayed for compassionate appointment for applicant No.2, Vinod Kumar, consequent on the death of Vinod Kumar's father, Ved Prakash who was the husband of applicant No.1, Shakuntala Devi. The Tribunal disposed of the application observing as follows :-

L

16

"Under the circumstances, the application is disposed of with a direction to the respondents to reconsider the case of the applicant in the light of the available facts and circumstances of the case and take a final decision in the matter within three months from the date of receipt of this order."

The applicant No.1 thereafter preferred representation in March, 1995 (Annexure C-2) for implementation of the Tribunal's direction. In the representation, she stated, "there is no earning member in my family." She disclosed her family as comprising herself and three sons, namely, Vinod Kumar, Umesh and Vinit. The age of Vinod Kumar has been disclosed as 24 years while the ages of other two sons have not been disclosed. It has also been stated that they are students. In respect of all the three sons, it was stated that they were unemployed. The Deputy General Manager of the Ordnance Factory Board has communicated the decision through order dated 22.4.1995. One of the reasons for rejecting the claim of the applicants is that two sons of the applicant No.1 are grown-up and are already working and earning livelihood. The applicant did not mention about these two sons in her representation. She thus suppressed a material fact. It is also stated that the three sons referred to in the representation are grown-up. In the representation itself, the applicant has stated that Vinod Kumar, for whom appointment was sought, had passed ITI Fitter Trade examination before the death of her

h

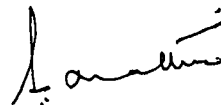
14

husband. Thus, Vinod Kumar had sufficient opportunity to obtain employment before the death of his father. If he had failed to obtain employment on account of his incompetence, the death of his father should not come as a boon to him. These two reasons mentioned in the order are sufficient to sustain the order dated 22.4.1995. At any rate, the concerned authority has re-considered the matter as directed by the Tribunal and, therefore, the respondents cannot be said to be in contempt.

3. In view of the above, the application is rejected.



(K. Muthukumar)
Member (A)



(S. C. Mathur)
Chairman

/as/