

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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HON. SHRI R.K. AHOOJA, MEMBER (A)

NEW DELHI, THIS 5TH DAY OF SEPTEMBER 1997

OA NO.2197/1996

BIMLA DEVI
R/o 13/188, DMS Colony
Hari Nagar
New Delhi

...APPLICANT

(By Advocate - Shri A.K. Bhardwaj)

VERSUS

1. UNION OF INDIA, through

The Secretary
Government of India
Ministry of Agriculture
Department of A.H. & Dairy
Krishi Bhawan, New Delhi

2. The G.M. Delhi Milk Scheme
West Patel Nagar
New Delhi

..RESPONDENTS

(By Advocate - Shri S.M. Arif)

ORDER (ORAL)

The applicant's husband died in harness while working with the respondents. She applied for her compassionate appointment. As she was not granted the same, she approached this Tribunal in OA No.2312/1991 which was disposed of with the direction that the applicant will make a representation to the respondents, if not already made, and the respondents were directed to dispose of the same within a period of 12 weeks considering all the aspects and taking into account the indigent nature of the widow and her children. The applicant submitted a representation on 5.6.1992 which was disposed of on 21.6.1993. It was also stated by the respondents that there was already a list of 41 candidates pending with the Ministry for compassionate appointment. The applicant again approached the Tribunal in OA No.2222/1994 which was disposed of by order dated 22.2.1995 with a direction that the respondents shall

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consider her case for engagement on daily wage basis taking into account her relevant seniority and the Departmental needs. In this background, the present O.A. has been filed by the applicant stating that appointments are being made in terms of relative seniority.

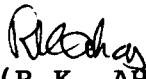
2. I have heard the counsel on both sides. Shri Bhardwaj, ld. counsel for the applicant, has referred to the case of Smt. Modri Devi and Prem Lata whose husbands died in harness much after the applicant's husband died. He also pointed out that the applicant had been forced to pay penal rent for staying in Government accommodation because the respondents failed to provide compassionate appointment to her which would have led to regularisation of the accommodation in her favour. Shri S.M. Arif, ld. counsel for the respondents, on the other hand submits that the cases referred to by the applicant were dealt with on the basis of decisions of this Tribunal. As their representations were already pending and had been filed before the representation of the applicant in the present O.A. was decided, the former were given precedence in compassionate appointment. Shri Arif further submits that the applicant is at No.15 in the list of those awaiting compassionate appointment and she will be given the appointment strictly in accordance with her seniority. He also pointed out that at present the list of persons awaiting compassionate appointment contains about 85 names.

4. In view of the position stated by the counsel on both sides and in the facts and circumstances of the case, I dispose of this O.A. with a direction that the respondents will record the applicant's seniority in the

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OA No.2197/96

list of those awaiting compassionate appointment on the basis of the date of death of her husband in harness and consider her for compassionate appointment accordingly.
No order as to costs.


(R.K. AHOOJA)
MEMBER (A)

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