

Central Administrative Tribunal
Principal Bench

O.A.No.159/97

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 8th day of October, 1997

Smt. Usha
w/o Shri Anil Singh
r/o 2237, Lodhi Complex
New Delhi.

... Applicant

(By Mrs. Sumedha Sharma, Advocate)

Vs.

1. Union of India through
its Secretary
Ministry of Home Affairs
North Block
New Delhi.
2. Engineering Ass. to Superintending Engineer
Delhi Central Zone - 8
Central Public Work Department
Sena Bhawan, R.K.Puram
New Delhi.
3. Assistant Director of Estates
Nirman Bhawan
New Delhi.
4. Project Manager
Mehrauli, B.M.A. Project
C.P.W.D.
New Delhi.

... Respondents

(By Shri K.C.D.Gangwani, Advocate)

O R D E R (Oral)

The applicant submits that her father, Shri K.B.Singh, who was working as a Lower Division Clerk with the respondents, has been missing since 10.7.1990. Her mother applied for compassionate appointment of the applicant. In response to that, she was informed vide letter dated 1.6.1995, Annexure-A that appointment on compassionate ground can only be considered after the employee is missing for seven years, since then only he can be declared to have expired. The respondents have filed their reply and have stated that the request of the applicant can only be considered after the Government servant is missing for more

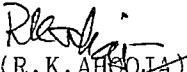
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than seven years and after getting the confirmation from the police authorities that the Government servant could not be traced after due positive efforts in this respect.

2. I have heard the counsel on either side today. The learned counsel for the respondents submits that as seven years have now passed, they have written to the police authorities and also have given publicity in the newspapers. Unless a reply is received the case of the applicant for compassionate appointment will ~~not~~ ⁹⁶ be considered.

3. In the light of the above mentioned statement made by the learned counsel for the respondents based on the instructions received from Shri C.P.Singh, the Departmental Representative, who is present in the Court, the OA is disposed of with a direction to the respondents to consider the case of the applicant as soon as the report is received from the Police and to inform the applicant about the result of their consideration. In case there is any delay on the part of the police, and a police report is not received within a period of four months from today, they will proceed on the assumption that the police report is negative and consider the case of the applicant within one month thereafter and communicate the decision taken to the applicant with a reasoned and speaking order.

OA is disposed of as above. No costs.


(R.K. AHUJA)
MEMBER (A)

/rao/