

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 2222/94

New Delhi this 20th day of February, 1995

(A)

Hon'ble Shri P.T.Thiruvenqadam, Member(A)

Smt. Bimla Devi,
w/o Late Shri Jagdish Chander
r/o Qrs. No. 13/186,
D.M.S. Colony
Hari Nagar,
NEW DELHI.

..... APPLICANT

(By Shri Rakesh Srivastava, Advocate)

Vs.

Union of India through

1. The Secretary
Ministry of Agriculture
(Department of A.H. & Dairy)
Krishi Bhawan,
New Delhi.
2. The General Manager,
Delhi Milk Scheme
Nest Patel Nagar
New Delhi 3.

(By Shri B.K.Punj, Proxy of Shri M.M.Sudan, Advocate)

O R D E R (Oral)

The applicant is a Widow of Shri Jagdish Chand, who was employed with respondents as a Lab Assistant and he died on 24th October, 1988. The deceased employee is survived by the Widow and three children, all minors, aged about 9, 6 and 3 years at the time of the death of the employee. The widow requested for compassionate appoint. This, not having been sanctioned, she approached this tribunal in OA No. 2312/91. This O.A. was disposed of on 1.4.1992 with the direction that the applicant may make a representation to the respondents, if not already made, for compassionate appointment and the respondents were directed to dispose of

..... 2/

(A)

(2)

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. Liberty was given to the applicant to seek proper remedy through competent forum in case she was ~~aggrieved~~ by the decision of the order of the respondents.

(5)

2. Subsequently, the applicant submitted her representation on 5.6.1992 for compassionate appointment. This has been disposed of by the respondents vide their Memorandum dated 21.6.1993. This Memorandum brings out that her case has been forwarded to the Ministry of Agriculture, New Delhi to explore the possibility to provide her employment in other subordinate offices of the Ministry. The Memorandum also brings out that already a list of 41 candidates is pending in the Ministry. This O.A. has been filed with a prayer that the applicant should be provided job on compassionate basis. There is a further prayer with regard to the retention of accommodation.

3. Learned counsel for the applicant argued that the Memorandum dated 21.6.1993 spells out the same position, as taken by the respondents even earlier. It is his case that the directions of this tribunal in OA No.2312/91 have not been followed.

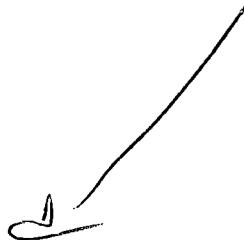
4. I note from the reply of the respondents that as a result of the Staff Inspection Unit (SIU) study, 184 Group 'D' posts had to be abolished. Consequently, no compassionate appointment could be made in Delhi Milk Scheme for the last few years.

5. As there was no suitable post in Delhi Milk Scheme against which the applicant could be appointed on compassionate basis, Ministry of Agriculture was requested to explore the possibility to provide the employment.

(b)

6. On this, learned counsel for the applicant referred to the rejoinder wherein mention has been made that compassionate appointments were made in the year 1990. Copies of two appointment orders in this regard were produced for perusal. I note that in one of these cases such an order was issued in pursuance to the specific directions of this tribunal. As regards the second case, the Learned counsel for the respondents states that as per instructions of the departmental representative present in the court, this case pertains to compassionate appointment of an application which has been registered earlier to the applicant in this OA. This can also be seen from the appointment order in which reference to the compassionate appointment application dated 5.9.1985 has been made.

7. The learned counsel for the applicant then argued that the applicant should be registered at least against Badli workers who are employed on Daily wages. Reference to the case of one Shri Anand Kumar working on Daily wages on compassionate ground was made. Details of Shri Anand Kumar ^{not} are readily available with either party. The reply brings out that when the essential service gets interrupted due to shortage of regular staff, some labour is employed on Daily wage basis. Learned counsel for the applicant prays that the applicant may also be considered for employment on daily wage basis, pending regular appointment.



(4)

8. In the circumstances, the only direction that can be given is that the respondents shall consider the case of the applicant for engagement on daily wage basis taking into account her relevant seniority and departmental needs. (7)

9. As regards retention of accommodation admittedly the accommodation had been retained for 6 to 7 years. I note that in the order passed on 1.4.1992 in OA No.2312/91 no specific relief regarding accommodation has been granted, and the interim order had been recalled. Hence, it is not necessary for me to go into the aspects regarding accommodation. Respondents may take action as per rules.

10. The ~~above~~ OA is disposed of with the above directions. No costs.

P. T. Thiru

(P.T. THIRUVENGADAM)

MEMBER(A)

/RAO/