

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.NO.2325/94

New Delhi, the 21st March, 1995

Hon'ble Shri J.P. Sharma, Member(J)

1. Smt. Kesho Devi,
Wid/o late Manglu
2. Shri Sanjay,
s/o Manglu,
Both r/o Q.No.604/56,
Type-I, Ordinance Factory Street,
Muradnagar,
District Ghaziabad, U.P. ... Applicants.

By Advocate: Shri Yogesh Sharma, proxy for
Shri V.P. Sharma, counsel for
Applicant

Vs.

1. Union of India
through the Secretary
Ministry of Defence, New Delhi.
2. The Director General,
Ordinance Factory Board,
N.A., Auckland Road, Calcutta.
3. The General Manager,
Ordinance Factory, Muradnagar,
Distt. Ghaziabad. ... Respondents

By Advocate: Shri V.S.R. Krishna

ORDER (ORAL)

Hon'ble Shri J.P. Sharma, Member(J)

Applicant No.1 is the widow of late Manglu who was employed with General Manager, Ordinance Factory, Muradnagar as Sweeper who died in harness on 26.7.93 leaving behind his widow, Applicant No.1, 2 adult sons one married Shri Radhey Lal, the other unmarried Applicant No.2 and 3 daughters out of which one is married and others are said to be school going children.

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2. On the death of the employee the widow herself applied for engagement on compassionate ground but her request was not acceded to and was rejected by the order dated 5.9.94 observing that she was not found fit for appointment to the post of Sweeper but if she likes the case of her second son Sanjay Kumar can be considered. In pursuance of the said observations in the aforesaid letter dated 5.9.94 the widow made a request for engagement of Shri Sanjay Kumar, Applicant No.2 but he has not been favoured with an engagement on compassionate ground and this application has been filed jointly on 22.11.94.

An interim direction was also issued by the Bench while entertaining this application by the order dated 30.11.94 that the eviction of quarter of the applicant be stayed for 14 days and that order continued. This order appears to have not been extended beyond 25.2.95.

3. The respondents have filed their reply and stated that the applicant No.1 Smt. Kesho Devi, widow has not given her willingness for appointment of Applicant No.2. The application for appointment of Shri Sanjay Kumar, Applicant No.2 dated 2.11.94 was an unsigned application without having a thumb impression of the widow. She was repeatedly requested to give her consent but she has avoided and had insisted for her own appointment but that was not possible as she was not found suitable for the post by the Selection Board. It is also stated that the respondents have not received any representation for appointment of Applicant No.2 and the application is therefore premature.

4. The applicant has also filed the rejoinder. Alongwith that she has also annexed a copy of the judgement passed in O.A.No.497/94. We heard Shri Yogesh Sharma,

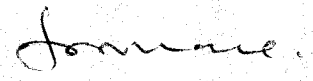
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proxy counsel for Shri V.P. Sharma, counsel for applicant and Shri V.S.R. Krishna, counsel for respondents. The ld. counsel for respondents states that if Applicant No. 1 i.e. Smt. Kesho Devi, widow has no objection and sponsor the name of Applicant No.2 Sanjay Kumar for compassionate appointment then the respondents will consider the case according to rules on the subject.

5. In view of the above facts and circumstances, the application is partly allowed with direction to the respondents that they should consider the case of the applicant No.2 Sanjay Kumar provided that Applicant No.1 Smt. Kesho Devi give express willingness for compassionate appointment of Applicant No.2.

6. Interim order for retention of the quarter is vacated but it shall be open to the respondents to consider the case of the applicant expeditiously and in that event pass necessary orders according to law.



(J.P. SHARMA)
MEMBER (J)

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