

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA.No.1379/94 and MA.1806/94

Dated this the 7th of December, 1994.

Shri C.J.Roy, Hon. Member 'J'.

1. Sukhbiri,  
Widow of Late Shri Phool Singh,  
R/o WZ.787, Palam Village,  
New Delhi.
2. Manoj Kumar,  
Adopted Son of late Shri Phool Singh,  
R/o WZ.787, Palam Village,  
New Delhi.

...Applicants

By Advocate: Shri A.K. Bhardwaj.

versus

1. Union of India through

The Secretary,  
Ministry of Defence,  
Central Secretariat, New Delhi.

2. The Director General,  
Ordnance Factories,  
No.10, Auckland Road,  
Calcutta.

3. The General Manager,  
Ordnance Factory,  
Muradnagar, U.P.

...Respondents

By Advocate: Shri V.S.R. Krishna.

O R D E R 'Oral'

By Shri C.J. Roy.

This is a case of compassionate appointment. The applicants claim the relief to mandate the respondents to give compassionate employment to either of the applicants ie. to applicant No.1 or the applicant No.2 herein, in Ordnance Factory Muradnagar or elsewhere, with all consequential benefits.

2. The facts of the case are that the husband of applicant No.1 died in a road accident on 13.1.92. It is alleged that he was working with the respondents and had rendered more than 23 years of service and would have retired from service in the normal course on 30.6.96. In view of the death of the above Shri Phool Singh, the

widow 'Applicant No.1' was paid the terminal benefits of Rs.1,56,024/- 'approx.' and claims she is also receiving family pension.

3. The applicant No.1, who is the widow of the deceased employee also made the applicant No.2 as a party to this case claiming him to be that of her adopted son.

4. The respondents have filed the counter stating that the so called adopted son is not entitled to the compassionate appointment. They have opposed the relief prayed for by the applicants in the OA that compassionate appointment to either of the applicants be given. They claim that there is no adopted son to the applicant No.1 nor the claim of adopted son is properly proved. It is vehemently opposed that a high sum of money as terminal benefits has been given and she 'applicant No.1' being alone, adopted son is a myth created by her.

5. Heard the learned counsel for both parties and perused the documents on record.

6. There is a representation of the applicant at page-22 of the paper book, which is dated 9.1.93 almost after a year of the death of the husband. The learned counsel for the respondents states such that they have not received any /representation.

7. In the circumstances, I feel, it is a fit case to give the following directions and close the case.

8. Before that, there is an MA filed by the applicants for joining together in one OA. It is stated that the applicants have a common

interest and are entitled to the same relief and the cause of action is also the same.

MA.1806/94 is heard and allowed.

The applicant No.1 is directed to file a fresh representation in so far as the compassionate appointment to herself is concerned and in case she can prove that there is an adoption of applicant No.2, she may submit the details to the respondents within a period of 15 days from the date of receipt of a copy of this order. The respondents, after receiving the above, are directed to dispose of the case by a speaking order within a period of 3 months thereafter.

9. The OA and MA are accordingly disposed of.  
No costs.

*13/3/94*  
'C.J. Roy'  
Member 'J'

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