

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.478/2000
M.A.No.689/2000
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Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)

New Delhi, this the 6th day of December, 2000

1. Smt. Bhagwati Chidden
w/o Late Sh. Chidden
r/o R-3 A-2, House No.88
Gali No.2, near Shiv Mandir
Mohan Garden Extension
Uttam Nagar
New Delhi - 110 059.
2. Kishan Pal
s/o Late Sh. Chidden
r/o R-3 A-2, House No.88
Gali No.2, near Shiv Mandir
Mohan Garden Extension
Uttam Nagar
New Delhi - 110 059. Applicants

(None)

Vs.

1. Union of India through
Secretary
Ministry of Defence
South Block
New Delhi - 110 011.
2. Chief of the Army Staff
A.G.'s Branch, Army Headquarters
DHQ Post Office
New Delhi - 110 011.
3. The Officer Commanding
Station Workshop EME
Delhi Cantt. - 110 010. Respondents

(By Shri A.K.Bhardwaj, Advocate)

O R D E R (Oral)

None appears for the applicants either in person or through their counsel even on second call.

Heard the learned counsel for the respondents.

2. This an application for compassionate appointment filed by the Widow of late Shri Chidden, Vehicle Mechanic, who died in harness on 4.10.1993.

3. Thereafter, on 26.10.1993 the widow filed a representation for compassionate appointment for her son, 2nd applicant. It was however rejected by an order dated 3.11.1993 stating that as the compassionate appointment could be provided only against 4.5% of the total number of vacancies it would take a long time to materialise any appointment in favour of her son. Again she made a representation requesting to give compassionate appointment in any other workshop in or outside Delhi. It has again been rejected by the impugned order as the compassionate appointment could not be recommended as he was the second son of the deceased Government servant. It is the contention of the applicant that there was no bar for giving compassionate appointment to the second son, who was educated and looking after her at Delhi.

4. It is fairly conceded by the learned counsel for the respondents, relying upon the paragraph 4.12 of the counter that there was no bar to give compassionate appointment to a second son and that the same was wrongly mentioned in the impugned order. The learned counsel however submits that as the application was rejected by an order dated 19.3.1996 the applicant's case cannot be reconsidered. The OA is also barred by limitation.

5. The contention that the application is barred by limitation cannot be countenanced. It is not the case where the OA was filed afresh now. The widow has made an application in 1993, but the same has not been finally disposed of as yet.



6. It should be noted that after the rejection of the applicant's case in the above order dated 19.3.1996, the applicant made further representations to consider the second applicant's case in any other workshop in or outside the Delhi, and on the basis of that representation the case of the second applicant was reconsidered and he was also directed to produce certain other material and the same was accordingly produced.

7. I find that the respondents have not considered the subsequent representation for compassionate appointment as the impugned order is now shown to be erroneous. The respondents are therefore directed to pass an appropriate order considering the representation made by the applicants subsequent to the order dated 19.3.1996 within a period of one month from the date of receipt of a copy of this order. The OA is accordingly disposed of. No costs.

Om Rajendra
(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/