

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

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(9)

RA 216/94 in  
OA-2650/93

New Delhi, dated the 20th September, 1994

CORAM

Hon'ble Shri S.R. Adige, Member(Administration)

Baruji Judd

Mrs Manju

Peon

C/o CWE (P) Delhi Cantt-10

... Applicant

(Present in person )

Versus

1. Union of India through the Secretary, Ministry of Defence, South Block, DHQ PO, New Delhi-11
2. E-in-C's Branch, Army Headquarters, Kashmir House, DHQ PO, New Delhi-11
3. Headquarters, Chief Engineer, Western Command, Chandimandir-134107
4. Chief Engineer, Headquarters/ Zone, Delhi Cantt.
5. Commander Works Engineer(Project), Delhi Cantt-110010

... Respondents

(By Advocate Shri M.K. Gupta )

ORDER (ORAL)

[Hon'ble Shri S.R. Adige, Member(Administration) ]

In this application bearing No. 216/94 filed on 20-5-1994 Mrs Manju has prayed for review of the judgment dated 29-4-94 in OA No. 2650/93 (Mrs Manju v/s Union of India & Others )

2. In the said O.A. the applicant had prayed

for a direction to be issued to the respondents to appoint

10

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her to a Group 'C' post of LDC/Tracer or any other suitable Group 'C' post commensurate with her qualifications.

3. The case has come up for hearing on 21-4-1994. The applicant was represented by her counsel Shri George Parikan. None appeared for the respondents. On the basis of the avenment made and the material on records, it was noted that the applicant had been offered and had accepted the post of Peon in the office of the Garrison Engineer(P) No.2 Delhi Cantt., and under the circumstances, her prayer at this stage for her appointment to a Group 'C' post was rejected, and the OA dismissed.

4. While arguing that case Shri Parikan had pleaded that in Smt. Sarla Rani V/s Union of India and others (OA No.515 of 1990) deciding by the Tribunal on 5.2.92 under somewhat similar circumstances, that applicant had been appointed as a peon on compassionate basis and she had also prayed for appointment as LDC in view of her educational qualifications. The respondents counsel in that case, had raised no objection to the grant of that prayer. In that case the respondents had been directed to reconsider the case of that applicant for appointment as L.D.C. keeping in view of her educational qualifications, and experience etc. This also appears borne out from the text of the Tribunals judgment dated 5.2.92 in Smt Sarla Rani case (Supra)

5. In this R.A., the petitioner has stated that after her O.A. was dismissed on 29.4.94 she come to learn that the respondents themselves/ of theview that the applicant's case for appointment as LDC should be considered on the same basis as Smt Sarla Rani's case. Respondents counsel Sh. Gupta also very fairly and justly confirmed that in the relevant file of the respondents the view had been expressed that the case

of the applicant should be considered on the same footing as Smt. Sarla Rani case (Supra). Shri Gupta has also pointed out that there is

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another case Amba Dutt Joshi V/s Union of India & Others OA No.1023/93 decided by this Tribunal on 5.11.1993, where having regard to the Tribunal judgment in Smt. Sarla Rani's case (Supra), the respondents were directed to give preference to that applicant for appointment as LDC against posts earmarked for compassionate appointment if an when a vacancy arose.

6. In the light of these new facts, this R.A. succeeds and is allowed. The judgment dated 29.4.1994 in OA No.2650/93 Mrs Manju V/s Union of India and others is modified, and the case is remitted to the respondents to consider appointing the applicant against any suitable Class-III vacancy, in the light of her qualifications and experience. These directions should be implemented within four months from the date of receipt of a copy of this judgment. No costs.

*S. R. Adige*  
(S. R. Adige)  
Member(A)

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