



**Central Administrative Tribunal
Principal Bench, New Delhi**

OA/100/21/2021

This the 08th day of January, 2021

(Through Video Conferencing)

HON'BLE MR. PRADEEP KUMAR, MEMBER (A)

1. Firdaush Jahan
Aged around 46 years
W/o Lt. Mubarik Ali
R/o VPO: Dehra, Tehsil Dhaulana
Distt.: Hapur, UP

2. Sadab Ali
Aged around 24 years
S/o Late Mubarik Ali
R/o VPO: Dehra, Tehsil Dhaulana
Distt.: Hapur, UP
(By Advocate: Sh. Rakesh Kumar)

... Applicants

VERSUS

New Delhi Municipal Council
Through Secretary
Palika Kendra, Sansad Marg
New Delhi-110001

... Respondent

(By Advocate: Ms Sriparna Chatterjee)

ORDER (ORAL)

There are two applicants in this OA. The applicant No.1 is the widow of Late Shri Mubarik Ali and applicant No.2 is the son of Late Shri Mubarik Ali and Applicant No. 1. Shri Mubarik Ali was working in Department of Horticulture, NDMC, Code No. 303306. He suffered a heart attack on 19.02.2018. He was admitted in hospital where he



unfortunately died on 20.02.2018. He was otherwise due superannuation on 30.06.2022.

Applicant No.1 pleads that she is suffering 40% disability in legs since 1990, on account of secondary complications due to polio.

2. After the death of Late Shri Mubarik Ali, applicant no. 2 was appointed on compassionate ground basison 01.11.2019, however as a daily wager for a period of 89 days and subsequently this period of engagement has been extended by another 230 days.

3. The applicants have preferred the instant OA seeking relief that the applicant No. 2 is entitled to be granted compassionate ground appointment on regular basis which has not been done so far and they seek directions to the respondents to consider the same.

4. The applicant No. 1 has also preferred two representations to the respondents on 13.02.2020 and 11.03.2020 seeking the said compassionate ground appointment for applicant No.2. The applicant No.1 has also brought out in these representations that she has not been paid any of the retiral dues on account of unfortunate death of her late husband Shri Mubarik Ali.



It is also pleaded that these two representations have not been replied so far.

5. Issue notice. Ms Sriparna Chatterjee, learned counsel, who appears for respondents on advance information, accepts notice.

6. At this stage, the applicants' counsel submits that they will be satisfied if time bound direction can be given to the respondents to decide the pending representations.

7. In view of the foregoing, the present OA is disposed of at the admission stage itself, without going into the merits of the case, with a direction to the respondents to pass a reasoned and speaking order on the pending representations dated 13.02.2020 and 11.03.2020 keeping in view the extent rules and instructions on the subject, within a time period of 12 weeks, under advice to the applicants.

In case, as a result of this examination, certain payments are found to be due to the applicant as part of the retiral dues, the same shall also be released in a further period of 6 weeks.

8. The applicants shall be at liberty to approach the Tribunal, if some grievance still subsists. No costs.

(Pradeep Kumar)
Member (A)

/sunita/neetu/