

OA 985/2004

New Delhi, this the 21st day of April, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

Anju

W/o Late Const Nidhi Kumar

PIS No.28892325

R/o V&PO: Khajoori,

P.S. Parikshit Garh,

Distt : Meeruth, U.P.

...Applicant

(By Advocate Sh. Anil Singhal)

V E R S U S

Union of India through

1. Commissioner of Police

Police Head Quarter,

I.P. Estate, New Delhi.

...Respondent

O R D E R (ORAL)

Shri Sarweshwar Jha,

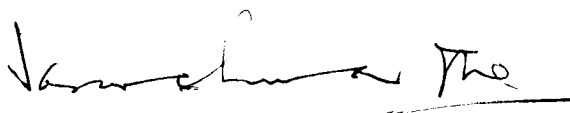
The applicant has filed this OA against the orders of the respondents dated 12-3-2004 (Annexure A-1) whereby her request for appointment on compassionate grounds has been rejected. However, the applicant has prayed for compassionate allowance being granted to her as permissible under Rule 41 of the CCS (Pension) Rules. The relevant provisions of the said Rule are as under :-

"41. Compassionate allowance

(1) A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity :

Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-thirds of pension or gratuity or both which would have been admissible to him if he had retired on [compensation pension].

(2) A compassionate allowance sanctioned under the proviso to sub-rule (1) shall not be less than the amount of [Rupees three hundred and seventy-five] per mensem."

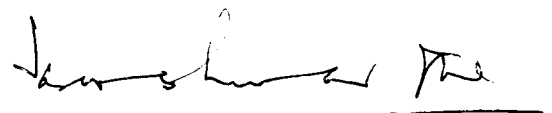


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2. The applicant has also submitted a representation to the respondents vide her letter, copy of which is placed at Annexure A-5. On perusal of the said representation, it is observed that the husband of the applicant was a Constable in Delhi Police; she has got one minor son and two daughters; and that the condition of the family as submitted by her has been quite indigent, as there is no earning member in the family.

3. It is further submitted by the ld. counsel that the mother of the deceased employee, who is a widow, is also a part of the family of the applicant. Under these circumstances, it appears that the family is left with no alternative but to request the authorities concerned to consider and allow them compassionate allowance as provided under Rule 41 of the CCS (Pension) Rules. Id. counsel prays that the authorities could be directed to consider the representation of the applicant together with this OA and allow the same.

4. Having regard to the facts and circumstances of the case, I am inclined to dispose of this OA at this stage itself while hearing on the point of admission without issuing notices to the respondents with directions to them to consider the representation of the applicant as already pending with them and also this OA treating the same as a representation and dispose it of by issuing a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. With this, the OA stands disposed of.


(Sarveshwar Jha)
Member (A)

/vikas/