

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

Date of Decision: 03.08.92.

DA 169/92

SMT. NANNI DEVI

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicant ... SHRI B.B. VASHIST.

For the Respondents ... Ms. JASVINDER KAUR,
proxy counsel for
Shri Jog Singh.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporters or not ?

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J)).

The applicant is widow of one Shri Suraj Bhan, who died in April, 1990, and was employed as a Sweeper in the Govt. of India Press, Ring Road, New Delhi is survived by a widow and five minor children. During the course of his employment the deceased was allotted a quarter No.1/149, Press Colony, Maya Puri, New Delhi. The applicant is aggrieved with the order dated 4.12.91, which is an order of eviction passed by respondent No.3, attached as Annexure-C to the

application at page 15. It appears from the record that the applicant has already preferred an appeal under Section 9 of the P.P. Act, 1971 and Addl. District Judge Delhi already seized of the matter as is evident by Annexure-D to the application. The relief claimed in the present application is that the respondents be directed to give compassionate appointment to the applicant and further a direction that applicant be allowed to continue in Quarter No.1/149, Press Colony, Maya Puri, and further order dated 14.12.91 (appears to be 4.12.91) be stayed.

The learned counsel for the applicant argued that Smt. Nanni Devi, widow, is an indigent person and the sole bread earner of the family. Shri Suraj Bhan has died, the applicant has to support herself and 5 minor children, the respondents have not provided the compassionate appointment. Regarding the strength of the family and the financial stringency in supporting the family is not denied by the respondents in their counter. The reply to para 4(G) of the application is reply in the manner that it needs no comment. Thus, this point is not denied by the respondents.

When the indigent nature of the family of the deceased employee is not disputed, the respondents under relevant rules have to provide compassionate appointment

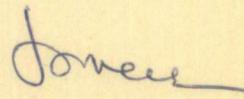
to one of the family members of the deceased and in this case the widow applied for such an employment. The respondents have in their reply in para-1 states that there is no vacancy and further it is stated that for many pending cases of compassionate appointment relating to all the Govt. of India Press located in various parts of the country they have to prepare a list in pursuance of one of the direction issued in certain judgement of the CAT. Be that as it may, it is admitted by the learned counsel for the respondents on the instructions of the departmental representative present with her that there are two vacancies available but these are not of the quota of compassionate appointment. No recruitment rules or administrative instructions have been enclosed or referred to in the counter that there is a quota fixed in certain ratio. In absence of such a specific averment in the reply by the respondents it does not stand to reason as to why the respondents did not reply to the representation of the applicant for compassionate appointment.

The learned counsel for the applicant has been asked whether two simultaneous proceedings against the impugned order dated 4.12.91 can be continued in two different forums, one under Section 9 of the P.P. Act, 1971 and the other before this Tribunal under Section 19 of the A.T. Act, 1985 ? The learned counsel for the

applicant contended that the appeal is only against the order of eviction where limited scope provided. However, since the applicant has already assailed the eviction order, the relief claimed in the application as in para 8(2)(3) cannot be considered when the application in that respect is not maintainable at all.

The case of Sushma Gosain Vs. UOI, 1989 SCC (L&S) 662 and Phoolwati Vs. UOI, the respondents are bound under relevant rules to provide compassionate appointment to a dependant/family member of the deceased employee provided he died in harness and the family is left with almost meagre means to carry out their livelihood.

In view of the above discussion, the application is partly allowed and the relief claimed in para 8(2)(3) are not considered and the application in that respect is not admitted for the reasons stated above. Regarding relief in para 8(1), the respondents are directed to give compassionate appointment to the applicant provided she comes within the range of seniority within a period of three months from the date of receipt of a copy of this order/judgement irrespective of any restriction on the quota of compassionate appointment. In the circumstances, parties are left to bear their own costs.


(J.P. SHARMA)
MEMBER (J)
03.08.92