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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

M.P.3082/93 in O.A.2433/92

New Delhi this the 2nd day of December, 1993.

1. Smt Prem Wati
W/o Shri L.C. Verma

2. Shri Rajesh Kumar
S/o Shri L.C. Verma

R/o House No A-116/14,
Punjabi Colony Gamli Extension
Man Singh Market, Bhajan Pur
Delhi-35.

...Applicant

(By Advocate Shri V.P. Sharma)

Versus

1. Union of India through
The General Manager,
Ministry of Civil Supplies & Public Distribution
Krishi Bhavan, New Delhi.

2. The Joint Secretary (Admn)
Directorate of Vanaspati (Veg) Oil & Fats,
Block-II, 5th Floor, C.G.O. Complex,
Lodhi Road, New Delhi-3.

..Respondents

(By Advocate Shri P.P. Khurana)

ORDER (Oral)

O.A. 2433/92, Shri L.C. Verma has worked as Daftari in the Directorate of Vanaspati (Vegitable) Oils and Fats, Ministry of Civil Supplies. Shri Verma retired from service on 16.05.1988. By virtue of this retirement, he received terminal benefits including pension. Applicant No.1 Smt Premwati is the wife and Applicant No.2 is the son of Shri Laxmi Chand Verma. Smt Premwati, wife of Shri L.C. Verma made a representation to the respondents on 8th January, 91 that her husband has been a patient of schizophrenia, a mental disease and he did not know the consequences of seeking early retirement which was accepted by the respondents on 16.5.88. She, therefore, requested the respondents to appoint applicant No.2 Shri Rajesh Kumar (son) to one of the Group 'D' posts. The respondents considered the case and gave an offer to Shri Rajesh Kumar by Memo A-32017/2/82.Estt (Annexure A-7). However, subsequently this Memo was cancelled by the impugned

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letter dt 12.11.91 (Annexure A.I). The applicant have assailed this letter and also prayed that the respondents be directed to given compassaionate appointment to Shri Rajesh Kumar with all consequential benefits.

2. When the application was filed an interim direction was issued by the Bench by the Order dt 22.9.1992 not to disengage the applicant as he had already been engaged as Casual Labour by the respondents firstly from April 1991 to September, 1991 and in the second spell from 23rd March 1992 which was to continue till 30th September, 1992. The respondents by virtue of this interim direction continuing the applicant as Casual labour.

3. A notice was issued to the respondents who contested the application and opposed the grant of reliefs prayed for. The respondents have also moved M.P.3082/93 for vacation of this interim direction issued on 22nd September, 1992. The reply to the M.P. has also been filed. The respondents have also filed counter-affidavit to which rejoinder has also been filed by the applicant.

4. We have heard the counsel of both the parties. The learned counsel for the applicant did not press for relief for giving compassionate appointment to Shri Rajesh Kumar, and so we are not considering that matter in the light of the various averments made in the application, though denied by the respondents in their Counter-affidavit.

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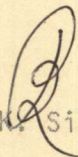
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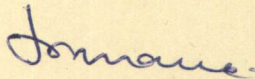
5. The learned counsel for the applicant, however, pressed that as the family has been in indigent circumstances and the respondents themselves have given engagement to Shri Rajesh Kumar in 2 different spells in the year 1991 and 1992 as said above and also that the applicant is continuing in pursuance to the interim direction issued by the Tribunal on 20th September, 1992, ~~the~~ respondents may consider engaging the applicant whenever the work is available with them. We have also heard the learned counsel for the respondents on this aspect of the relief prayed for.

6. It is averred in the application as also argued by the learned counsel that Shri L.C. Verma, Ex. employee was a mental patient. It is also not disputed that he ^{had} ~~is~~ to seek retirement before the age of superannuation on account of this mental disability.

7. In view of the facts and circumstances, we find that it is a fit case where respondents may consider, whenever the work and vacancy is available with them, may give casual appointment to the applicant. Original Application and M.P., is, therefore, disposed of accordingly. There is no order as to cost.

8. Interim order issued earlier is vacated.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)