

Central Administrative Tribunal
Principal Bench: New Delhi

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OA No.3080/92

Date of decision: 28.04.1993.

Smt. Kamla Devi & Another

...Petitioners

Versus

Union of India through the
Secretary, Ministry of Communication,
Department of Telecommunications,
Sanchar Bhavan, New Delhi & Others

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioners

Petitioner No.1 in person.

For the respondents

Shri Dharam Pal, S.S.O.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra, Member (A))

When this case was last heard on 8.4.1993 the learned counsel for the petitioner had submitted that he would like to amend the O.A. Time was accordingly granted and the case was directed to be listed on 28.4.1993. The amended application, however, has not yet been filed. The petitioner No.1 Smt. Kamla Devi appeared in person today and submitted that she is not in a position to finance the continuance of the Advocate and accordingly she is withdrawing ~~her~~ vakalatnama. I, therefore, proceed to hear her on merits. The petitioner No.1 Smt. Kamla Devi is widow of Shri Kishori Lal who was an employee of the department of Telecommunications. He died on 19.9.91. In this O.A. the petitioner had originally prayed for the following reliefs:-

- i) The respondents be directed to appoint applicant No.2 Shri Suraj Prakash to any of Group 'D' post on regular basis on an approved scale of pay.

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- ii) The respondents be directed to allow the petitioners to retain Quarter No.1-B, Block 10, Kali Bari Marg, New Delhi in the name of petitioner No.2.

When the case came up on 7.12.92 for hearing, an ad-interim order was granted to the effect that in the meantime, the family of the deceased be not dispossessed from the said quarter. This interim order has been continued since then.

2. The petitioner No.1 submitted that since the respondents have rejected the prayer for appointment on compassionate grounds of Shri Suraj Prakash, petitioner No.2 she would herself like to be considered for appointment. She further submitted that she is in very indigent circumstances and she is finding it very hard to maintain her family.

3. From the counter-affidavit filed by the respondents it is observed that the request for appointment of petitioner No.2 was rejected, as he was residing separately even before the death of the husband of petitioner No.1. Further the name of petitioner No.2 is not mentioned even in the ration card of the family. The ration card contains the name of the following persons:-

1. Shri Kishori Lal
2. Smt. Kamla Devi W/O Shri Kishori Lal
3. Dinesh Chand S/O Shri Kishori Lal

The name of Shri Kishori Lal was deleted after his death leaving the name of the petitioner No.1 and her son Shri Dinesh Chand in the ration card No.174056. Shri Suraj Prakash, petitioner No.2, therefore, was said to be not dependant on the deceased Shri Kishori Lal and, accordingly was not eligible for appointment on compassionate grounds. Ordinarily, the O.A. would have been disallowed in view of the fact that petitioner No.1 had not claimed the relief by way of her own appointment. The only prayer made in the O.A.

was that the respondents be directed to consider petitioner No.2 for employment on compassionate grounds. The petitioner in person, however, prayed that her Original Application may be deemed to be amended to the effect that she is claiming relief for herself, as the petitioner is hard up of money and is not able to pay for the service of an Advocate. Keeping in view the special circumstances of the case the Original Application is deemed to be amended as per the request of the petitioner. This would mean that petitioner No.1 would require to be considered by the respondents for appointment. For this purpose, she will have to submit an application to the respondents in the proper proforma giving requisite details. Accordingly, she is directed to file an application with the respondents, as above within a period of four weeks from the date of communication of this order. If an application in the prescribed form or/with requisite details is filed by petitioner No.1, the respondents shall consider her application with due regard to her indigent position and in accordance with law and dispose of her application as early as possible but preferably within three months from the date of her application. During the above period or till a final decision is communicated to the petitioner for appointment on compassionate grounds, she shall not be dispossessed from the quarter wherein she has been allowed to continue vide interim order dated 7.12.1992 on payment of normal rent.

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4. The O.A. is disposed of as above at this stage without giving any further notice to the respondents in regard to the enhancement. No costs.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

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